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REVISED STATUTES

OF

ONTARIO, 1914,

BEING A

REVISION AND CONSOLIDATION OF THE REVISED STATUTES
OF ONTARIO, 1897, AND THE SUBSEQUENT PUBLIC
GENERAL ACTS

OF THE

LEGISLATURE OF ONTARIO.

VOL II. *part 2*



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CHAPTER 204.

An Act respecting the Construction and Operation of Works for supplying Public Utilities by Municipal Corporations and Companies.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Public Utilities Act*. Short title.
3-4 Geo. V. c. 41, s. 1.

2. In Parts III., IV., V. and VI. of this Act, “Public Utility” or “Public Utilities” shall mean water, artificial or natural gas, electrical power or energy, steam and hot water. Interpretation.
“Public Utilities.”
3-4 Geo. V. c. 41, s. 2.

PART I.

MUNICIPAL WATERWORKS.

3.—(1) The corporation of a local municipality may, under and subject to the provisions of this Part, acquire, establish, maintain and operate waterworks, and may acquire by purchase or otherwise and may enter on and expropriate land, waters and water privileges and the right to divert any lake, river, pond, spring or stream of water, within or without the municipality, as may be deemed necessary for waterworks purposes, or for protecting the waterworks or preserving the purity of the water supply. Establishment of works and expropriation of land, etc.

(2) No land, water or water privilege which is not situate within or within 15 miles of the municipality shall be expropriated under the powers conferred by subsection 1, and no water shall be taken from any lake or river except within or within 15 miles of the municipality, or in either case so as to interfere with the waterworks of any other municipal corporation or the supply of water therefor then in actual use. Limitation of power to expropriate

(3) The corporation may purchase the waterworks of any person situate within or in the neighbourhood of the municipality and may improve and extend the same, and, for the purpose of any improvement or extension, may exercise all the powers conferred by this Part. 3-4 Geo. V. c. 41, s. 3. Power to acquire existing works

Provision as to paying compensation. Rev. Stat. c. 192.

4. The provisions of Part 15 of *The Municipal Act* shall apply to the exercise by the corporation of any of the powers conferred by this Part. 3-4 Geo. V. c. 41, s. 4.

Construction of necessary works.

5.—(1) The corporation may construct and maintain, in and upon the land acquired by it, such reservoirs, water and other works, plant and machinery as may be requisite for the undertaking, and may, by pipes or otherwise, convey the water thereto and therefrom, in, upon, and through any land lying between the reservoirs and waterworks and the lake, river, pond, spring or stream of water from which the water is procured or between them, or any of them, and the municipality.

Power to enter on intermediate lands.

(2) The corporation and its servants may for such purposes enter and pass upon and over such intermediate land, and may, if necessary, cut and dig up the same and lay pipes through it, and in, upon, through, over, and under the highways, lanes and other public communications within the municipality, or within the distance limited by subsection 2 of section 3, and in, upon, through, over, and under the land of any person within the municipality.

Duty of restoration.

(3) All such highways, lanes, or other public communications, and all land, not being the property of the corporation, shall be restored to their original condition without unnecessary delay.

Power to expropriate.

(4) The corporation may purchase or expropriate, use and occupy such part of such intermediate land as it may deem necessary for the making and maintaining of the works, or for the opening of new streets required for the same, or for the protection of the works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the pipes, and for distributing water to the inhabitants of the municipality, or for the uses of the corporation, or of the owners or occupants of the land through or near which the pipes may pass. 3-4 Geo. V. c. 41, s. 5.

Power to lay down pipes, etc

6. For the purpose of distributing the water the corporation may sink and lay down pipes, tanks, reservoirs, and other conveniences, and may from time to time alter their location or construction as the corporation may deem advisable. 3-4 Geo. V. c. 41, s. 6.

Service pipes.

7.—(1) The service pipes shall be laid down from the main pipe to the line of the highway by the corporation, and the corporation shall be responsible for keeping the same in repair.

Laying of, from line of street, to wall of building.

(2) Where a vacant space intervenes between the outer line of a highway and the wall of a building or other place into which the water is to be taken, the corporation may, with the consent of the owner, lay the service pipe across such vacant space to the interior face of the outer wall and charge

the cost thereof to the owner of the premises, or the owner may himself lay the service pipe, if it is done to the satisfaction of the corporation.

(3) The expense incidental to the laying and repairing of service pipes if laid or repaired by the corporation, except the repairing of the service pipes from the main pipe to the line of a highway, or of superintending the laying or repairing of the same, if laid or repaired by any other person, shall be payable by the owner to the corporation on demand, and if not so paid may be collected in the same manner as water-rates. Expenses of laying.

(4) The expense of superintending the laying or repairing of a service pipe shall not exceed one dollar. 3-4 Geo. V. c. 41, s. 7. Expenses of superintending.

8.—(1) The service pipes from the line of a highway to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks and apparatus placed therein by the corporation shall be under its control, and if any damage is done to that portion of the service pipe or its fittings the owner or occupant of the building shall forthwith repair the same to the satisfaction of the corporation, and, in default of his so doing, whether notified or not, the corporation may enter upon the land where the service pipe is and repair the same, and charge the cost thereof to the owner or occupant of the premises, and the same may be collected in the same manner as water rates. Service pipe to be under control of corporation.

(2) The stopcock placed by the corporation inside the wall of the building shall not be used by the water taker, except in case of accident, or for the protection of the building or the pipe and to prevent the flooding of the premises. Prohibition as to using stopcock.

(3) Persons supplied with water by the corporation may be required to place only such taps for drawing and shutting off the water as are approved of by the corporation. 3-4 Geo. V. c. 41, s. 8. Approval of taps by corporation.

9. The corporation may regulate the distribution and use of the water in all places where and for all purposes for which it may be required, and fix the prices for the use thereof, and the times of payment, and may erect such number of public hydrants and in such places as it may see fit, and may direct in what manner and for what purposes the same shall be used, and may fix the rate or rent to be paid for the use of the water by hydrants, fireplugs, and public buildings. 3-4 Geo. V. c. 41, s. 9. Regulation of use of water and of rates.

10.—(1) The corporation of every municipality having a system of waterworks shall supply water at all times to all public institutions situate therein and belonging to or maintained by the Province at such rents, rates or prices as may be fixed by by-law of the corporation, but not exceeding those charged to manufacturers. Rates at which water to be supplied to provincial institutions.

Penalty.

(2) For every contravention of subsection 1, the corporation shall incur a penalty not exceeding \$500, recoverable by action at the suit of the Crown. 3-4 Geo. V. c. 41, s. 10.

Non-liability
for breakage
or stoppage.

11. The corporation shall not be liable for damages caused by the breaking of any service pipe or attachment, or for shutting off of water to repair or to tap mains, if reasonable notice of the intention to shut off the water is given. 3-4 Geo. V. c. 41, s. 11.

Power to
supply water
outside of
municipality.

12. The corporation may supply water upon special terms and for such term of years as may be agreed on to owners or occupants of land beyond the limits of the municipality, and may exercise all other powers necessary for carrying out any agreement for that purpose, and may also make any agreement which may be deemed expedient for the supply of water for any term not exceeding five years to any railway company, or manufactory, or to builders; but where water is to be supplied for any of the purposes mentioned in this section in another municipality, the corporation of which possesses water-works, no pipes for that purpose shall be carried in, upon, through, over or under any highway, lane, or public communication within such other municipality without the consent of the council thereof. 3-4 Geo. V. c. 41, s. 12.

Proviso.

Power to
regulate supply
and to prohibit
wrongful use
of water.

13. The corporation may pass by-laws for regulating the time, manner, extent and nature of the supply by the works, the building or persons to which and to whom the water shall be furnished, the price to be paid therefor, and every other matter or thing related to or connected therewith which it may be necessary or proper to regulate, in order to secure to the inhabitants of the municipality a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the corporation with regard to the water so supplied, and for providing that for a contravention of any such by-law the offender shall incur a penalty not exceeding \$20 or may be imprisoned without the option of a fine for any period not exceeding one month, and the provisions of *The Ontario Summary Convictions Act* shall apply to a prosecution under this section. 3-4 Geo. V. c. 41, s. 13.

Rev. Stat.
c. 90.

Prohibitions
and penalties.

14. Every person who

- (a) wilfully hinders or interrupts, or causes or procures to be hindered or interrupted the corporation, or any of its officers, contractors, agents, servants or workmen, in the exercise of any of the powers conferred by this Act;
- (b) wilfully lets off or discharges water so that the same runs waste or useless out of the works;
- (c) being a tenant, occupant, or inmate of any house, building or other place supplied with water from

the water-works, lends, sells, or disposes of the water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than his own, increases the supply of water agreed for, or improperly wastes the water;

- (d) without lawful authority wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stopcock, chamber, pipe, or hydrant-chamber, by placing on it any building material, rubbish, or other obstruction;
- (e) throws or deposits any injurious, noisome or offensive matter into the water or water-works, or upon the ice, if the water is frozen, or in any way fouls the water or commits any wilful damage, or injury to the works, pipes, or water, or encourages the same to be done;
- (f) wilfully alters any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered;
- (g) lays or causes to be laid any pipe or main to communicate with any pipe or main of the water-works, or in any way obtains or uses the water without the consent of the corporation; or
- (h) washes or cleanses cloth, wool, leather, skin or animals, or places any noisome or offensive thing, or conveys, casts, throws, or puts any filth, dirt, dead carcase or other noisome or offensive thing in any lake, river, pond, creek, spring, source or fountain, within the distance of one mile in the case of a town or village, or within three miles in the case of a city from the source of supply for such water-works, or causes, permits, or suffers the water of any sink, sewer or drain to run or be conveyed into the same, or causes any other thing to be done whereby the water therein may be in any way tainted or fouled;

shall for every such offence incur a penalty not exceeding \$20 or may be imprisoned, without the option of a fine, for any term not exceeding one month, and the provisions of *The Ontario Summary Convictions Act* shall apply to a ^{Rev. Stat. c. 90.} prosecution under this section. 3-4 Geo. V. c. 41, s. 14.

15.—(1) For the purpose of assisting in the payment of ^{Power to levy special rate.} any debentures issued for water-works purposes, and the interest thereon, the corporation may impose a special tax in each year, during the currency of the debentures, not exceeding four mills in the dollar according to the assessed

value thereof, upon the land fronting or abutting upon any highway, lane or other public communication in, through or along which the water-works mains are laid, as well as all other land distant not more than 300 feet therefrom, which enjoys the advantage of the use of the water for the purpose of protection against fire, whether or not the owners or occupants thereof use the water for general purposes.

Power to remit special tax.

(2) The collector of taxes, upon the production by an owner or occupant using the water of the receipt for the payment of the rate or rent chargeable for the use thereof during the year, or such proportion thereof as equals such special tax, shall remit or allow to such owner or occupant the amount so paid as a payment of or on account of such special tax. 3-4 Geo. V. c. 41, s. 15.

Construction of mains, etc., for benefit of individuals.

16. If one or more property owners within a municipality applies to the council for the construction of water mains and other works necessary to connect their properties with the water-works system of the corporation the council may by by-law provide for the extension of the mains and pipes, and for all other works necessary to make such connection, and for permitting the applicants to receive the benefit of such water-works upon such terms as the council may deem just; and the by-law may further provide that the cost of the work shall be charged as an annual special rate upon the land of the applicants, designated in the application, and such rate shall be payable, whether or not the applicants or the owners, for the time being, of the lands continue to use the water. 3-4 Geo. V. c. 41, s. 16.

PART II.

MUNICIPAL PUBLIC UTILITY WORKS OTHER THAN WATERWORKS.

Interpretation.

17. In this Part,

"Public Utility."

"Public Utility" shall mean artificial and natural gas, electrical power or energy, steam and hot water. 3-4 Geo. V. c. 41, s. 17.

Powers of corporations to produce and supply public utilities.

18.—(1) The corporation of every urban municipality may manufacture, procure, produce and supply for its own use and the use of the inhabitants of the municipality any public utility for any purpose for which the same may be used; and for such purposes may purchase, construct, improve, extend, maintain, and operate any works which may be deemed requisite, and may acquire any patent or other right for the manufacture or production of such public utility, and may also purchase, supply, sell or lease fittings, machines, apparatus, meters, or other things for any of such purposes.

May sell coke, etc.

(2) The corporation may sell and dispose of coke, tar, and every other by-product or residuum obtained in or from its works, and any surplus coal it may have on hand.

(3) The corporation may purchase or rent such land and buildings as may be deemed necessary for the purpose of its undertaking. 3-4 Geo. V. c. 41, s. 18.

May rent or purchase lands.

19. The corporation may require by purchase, lease or otherwise, or may expropriate any land in the municipality which may be required for its works or any extension thereof, and the provisions of Part 15 of *The Municipal Act* shall apply to the exercise by the corporation of the power to expropriate and of the power conferred by section 22. 3-4 Geo. V. c. 41, s. 19.

Power to expropriate lands for works.

Rev. Stat. c. 192.

20. The corporation, for the purpose of laying down, taking up, examining, and keeping in repair the pipes, wires and rods used for the purpose of its undertaking, may break up, dig, and trench in, upon, and under the highways, lanes, and other public communications, or, with the consent of the owner, in, upon and under any private property; or may, upon poles or otherwise, conduct such wires and rods along, over and across such highways, lanes, and other public communications, or, with the consent of the owner, upon private property. 3-4 Geo. V. c. 41, s. 20.

Corporation may break up streets, etc.

21.—(1) The corporation may carry pipes, wires or rods, to any part of any building within the municipality parts of which belong to different owners, or are in possession of different tenants or occupants, passing over the property of any owner, or of any tenant or occupant, to convey the public utility to the part of the building to which it is to be conveyed.

Corporation may carry pipes, wires and rods through parts of buildings to supply other parts.

(2) Such pipes, wires or rods shall be carried up and attached to the outside of the building unless consent is obtained to carry the same in the inside. 3-4 Geo. V. c. 41, s. 21.

Method.

22. The corporation may also break up and uplift all passages common to neighbouring owners, tenants, or occupants, and dig or cut trenches therein, for the purpose of laying down pipes, wires, or rods, or taking up, examining or repairing the same, doing as little damage as may be in the execution of the powers hereby conferred, and restoring such passages to their original condition without unnecessary delay. 3-4 Geo. V. c. 41, s. 22.

May also break up passages common to neighbouring proprietors.

23. The corporation may, from time to time and upon such terms as may be deemed advisable, enter into contracts for the supply of a public utility to any person for any period not exceeding ten years. 3-4 Geo. V. c. 41, s. 23.

Contracts for supply of public utility for ten years.

24. A corporation possessing or intending to construct works under this Act may, under the authority of a by-law of an adjoining local municipality, exercise the like powers within the adjoining municipality as it may exercise within

Power to carry works into adjoining municipalities.

its own municipality upon such terms and conditions as may be agreed upon. 3-4 Geo. V. c. 41, s. 24.

PART III.

ALL MUNICIPAL PUBLIC UTILITIES.

Application of Part.

25. This Part shall apply to all municipal corporations owning or operating public utilities. 3-4 Geo. V. c. 41, s. 25.

Power to make by-laws for maintenance and management of works.

26.—(1) The council may pass by-laws for the maintenance and management of the works and the conduct of the officers and others employed in connection with them, and for the collection of the rates or charges for supplying the public utility, and for the rent of fittings, machines, apparatus, meters or other things leased to consumers, and for fixing such rates, charges and rents, and the times and places when and where the same shall be payable; and for allowing for prepayment or punctual payment such discount as may be deemed expedient.

Discretion of corporation as to rates to be charged.

(2) In fixing the rents, rates or prices to be paid for the supply of a public utility the corporation may use its discretion as to the rents, rates or prices to be charged to the various classes of consumers and also as to the rents, rates or prices at which a public utility shall be supplied for the different purposes for which it may be supplied or required.

Power to shut off supply.

(3) In default of payment the corporation may shut off the supply but the rents or rates in default shall, nevertheless, be recoverable. 3-4 Geo. V. c. 41, s. 26.

Rates to be lien on lot or building.

27. The sum payable by the owner or occupant of any building or lot for the public utility supplied to him there, or for the use thereof, and all rents, rates, costs and charges by this Act to be collected in the same manner as rents or rates for the supply of a public utility, shall be a lien and charge on the building or lot and may be levied and collected in like manner as municipal rates and taxes are recoverable. 3-4 Geo. V. c. 41, s. 27.

Protection and powers of officers.

28. The officers of the corporation, when acting in the discharge of their duties under this Act, shall *ex-officio* be constables. 3-4 Geo. V. c. 41, s. 28.

Limitation of actions.

29. No action shall be brought against any person for any thing done in pursuance of this Act, but within six months next after the act committed, or in case there is a continuation of damage, within one year after the original cause of action arose. 3-4 Geo. V. c. 41, s. 29.

Property exempt from execution.

30. Materials procured under contract with the corporation, and upon which the corporation has made advances in

accordance with such contract, shall be exempt from execution against the person who supplied or contracted to supply such materials. 3-4 Geo. V. c. 41, s. 30.

31. The public utility works, and the land acquired for the purpose thereof and the property appertaining thereto, shall be specially charged with the repayment of any sum borrowed by the corporation for the purposes thereof, and for any debentures issued therefor, and the holders of such debentures shall have a preferential charge on such works, land and property for securing the payment of the debentures and the interest thereon. 3-4 Geo. V. c. 41, s. 31.

Money borrowed to be a charge on works.

32. The revenues arising from supplying any public utility or from the property connected with any public utility work, after providing for the expenses of the maintenance of the works, shall, subject to section 31, form part of the general funds of the corporation. 3-4 Geo. V. c. 41, s. 32.

Application of revenue.

33.—(1) The corporation may sell, lease or otherwise dispose of any property which is no longer required for the purpose of the undertaking, and any property so sold shall be free from any charge or lien on account of any debentures issued by the corporation, but the proceeds of the sale shall be added to and form part of the fund for the redemption and payment of any debentures constituting a charge thereon, or if there are no such debentures the proceeds shall form part of the general funds of the corporation.

Power to sell any property when no longer required.

(2) If credit is given for any part of the purchase money of real property the corporation may take security by way of mortgage to secure the same, and every such mortgage and the proceeds thereof shall stand as security for any debentures constituting a charge on the real property at the time of the sale. 3-4 Geo. V. c. 41, s. 33.

Power to take security.

PUBLIC UTILITY COMMISSION.

34.—(1) The council of a municipal corporation which owns or operates works for the production, manufacture or supply of any public utility, or is about to establish such works, may, by by-law passed with the assent of the municipal electors, provide for entrusting the construction of the works and the control and management of the same to a commission to be called "The Public Utilities Commission of the (*naming the municipality*)" or to a commission established under this Part.

Formation of Public Utility Commission for management of works.

(2) A Commission established under *The Municipal Waterworks Act*, or *The Municipal Light and Heat Act*, or under a special Act for the construction or the control and management of works for the manufacture, production or supply of any public utility shall, for the purposes of this section, be

R.S.O. 1897 cc. 234, 235.

deemed to be a Commission established under this Part and the provisions of this Part shall apply to it.

One Commission for several public utilities.

(3) Where a commission has been established under this Part as to any public utility and the corporation desires to entrust the control and management of any other public utility works to a commission, subject to subsection 5, such control and management shall be entrusted to the commission so established, or if there is more than one commission so established to one of them, or the by-law may provide for placing under the control and management of one commission all public utility works owned by the corporation.

Name.

(4) Where the construction of any other public utility works and the control and management of them is entrusted to any of the commissions mentioned in subsection 2, such commission thereafter shall be called "The Public Utility Commission of the (*naming the municipality*)"

Special provisions as to Hydro-Electric Commission.

(5) Where the corporation of a city or town has entered into a contract with The Hydro-Electric Power Commission of Ontario for the supply of electrical power or energy a commission shall be established under the provisions of this Part for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of such electrical power or energy and for the purposes of this subsection it shall not be necessary that the by-law receive the assent of the electors; or such control and management shall be entrusted to an existing Public Utilities Commission, and, where the commission is not entrusted with the control and management of any other public utility, it shall be called "The Hydro-Electric Commission of the (*naming the municipality*)."

Special Act not affected.

(6) Subsection 5 shall be subject to the provisions of any special Act providing for the control and management of such works.

Certain by-laws not to be repealed.

(7) A by-law of the council, for the purposes mentioned in subsection 4, shall not be repealed without the consent of "The Hydro-Electric Power Commission of Ontario."

Provision for management of sewerage system. Rev. Stat. c. 192.

(8) If no commission has been established under this Part to which the control and management of a sewerage system, to which paragraph 11 of section 406 of *The Municipal Act* applies, may be entrusted a commission may be established, under this Part, for the control and management of such sewerage system, and the provisions of this Part shall apply to it. 3-4 Geo. V. c. 41, s. 34.

Powers of Commission.

35.—(1) Subject to subsection 3, upon the election of the commissioners as hereinafter provided, all the powers, rights, authorities, and privileges which are by this Act conferred on the corporation shall, while such by-law remains in force, be exercised by the commission and not by the council of the corporation.

(2) The officers and employees of the corporation shall be continued until removed by the commission unless their engagement sooner terminates. Officers of corporation to hold office.

(3) Nothing contained in this section shall divest the council of its authority with reference to providing the money required for such works, and the treasurer of the municipality shall, upon the certificate of the commission, pay out any money so provided. 3-4 Geo. V. c. 41, s. 35. Council to provide money required for works.

36.—(1) A commission established under this Part shall be a body corporate and shall consist of three or five members as may be provided by the by-law, of whom the head of the council shall *ex-officio* be one and the others shall be elected at the same time and place and in the same manner as the head of the council, and subject to subsection 2 the elected members shall hold office for two years and until their successors are elected and the new commission is organized. Number of Commissioners.

(2) One-half of the first elected members shall hold office for two years and the other one-half for one year, and shall continue in office until their successors are elected and the new commission is organized. Term of office.

(3) At the first meeting of the commission after the first election the members who are to hold office for two years shall be chosen by lot. Term of office to be determined by lot.

(4) Except where otherwise expressly provided the provisions of Parts 2, 3 and 4 of *The Municipal Act* which are applicable to members of the council of a local municipality shall apply *mutatis mutandis* to the commissioners to be elected under the provisions of this Part. 3-4 Geo. V. c. 41, s. 36. Provisions as to mode of election of, etc. Rev. Stat. c. 192.

37.—(1) Where a vacancy in the commission occurs from any cause the council shall immediately appoint a successor who shall hold office during the remainder of the term for which his predecessor was elected. Filling of vacancies.

(2) A majority of the commissioners shall constitute a quorum of the commission. 3-4 Geo. V. c. 41, s. 37. Quorum.

38. The salary, if any, of the commissioners shall from time to time be fixed by the council and no member of the council, except the head thereof, shall at the same time be a member of the commission. 3-4 Geo. V. c. 41, s. 38. Salary of Commissioners.

39.—(1) The council may, by by-law passed with the assent of the municipal electors, repeal any by-law passed under section 34. Repeal of by-law.

(2) Where a by-law is repealed the council shall apportion the current year's salary of the commissioners, and any officer or employee of the commission shall be continued until removed by the council unless his engagement sooner terminates. 3-4 Geo. V. c. 41, s. 39. Apportionment of salaries.

Book of
accounts.

40.—(1) Separate books and accounts of the revenues derived from every public utility under its management shall be kept by the commission, and such books and accounts shall also be kept separate from the books and accounts relating to the other property, funds, or assets connected with such public utility, and such books and accounts shall be open to inspection by any person appointed for that purpose by the council.

Regulation of
system of
book-keeping.
Rev. Stat.
c. 186.

(2) Subsection 1 shall be subject to section 58 of *The Ontario Railway and Municipal Board Act*. 3-4 Geo. V. c. 41, s. 40.

Returns to
council.

41.—(1) The commission shall, on or before the fifteenth day of January in each year, or upon such other day as the council may direct, cause a return to be made to the council containing a statement of the affairs of each public utility work showing

- (a) the amount of the rents, issues, and profits, arising therefrom and the number of persons supplied with each of the public utilities during the previous calendar year;
- (b) the extent and value of the property connected with each public utility work;
- (c) the amount of all outstanding debentures and the interest thereon, due and unpaid, and the state of the sinking fund;
- (d) the expenses of management, and all other expenses;
- (e) the salaries of officers and servants;
- (f) the cost of repairs, improvements and alterations;
- (g) the price paid for any land acquired for the purpose of such public utility work and such a statement of revenue and expenditure as will at all times afford full and complete information of the state of its affairs.

Information
for council.

(2) The commission shall also furnish such information as from time to time may be required by the council.

Audit of
accounts.

(3) The accounts of the commission shall be audited by the auditors of the corporation, and the commission and its officers shall furnish to the auditors such information and assistance as may be in their power to enable the audit to be made. 3-4 Geo. V. c. 41, s. 41.

Records of
proceedings.

42. A book wherein shall be recorded all the proceedings of the commission shall be kept and shall be open to inspection by any person appointed for that purpose by the council. 3-4 Geo. V. c. 41, s. 42.

43. The revenues, after deducting disbursements, shall ^{Revenues to be paid to municipal treasurer.} quarterly or oftener if the council so directs, be paid over to the treasurer of the municipality, and shall be by him placed to the credit of the account of the public utility work, and if not required for the purpose of the work shall form part of the general funds of the corporation. 3-4 Geo. V. c. 41, s. 43.

PART IV.

ALL MUNICIPAL AND COMPANY PUBLIC UTILITIES.

44. This Part shall apply to all municipal or other cor- ^{Application of Part.} porations owning or operating public utilities. 3-4 Geo. V. c. 41, s. 44.

45.—(1) Any person authorized by the corporation for ^{Inspection of premises.} that purpose shall have free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other premises to which any public utility is supplied for the purpose of inspecting or repairing, or of altering or disconnecting any service pipe, wire or rod, within or without the building, or for placing meters upon any service pipe or connection within or without the building as he may deem expedient and for that purpose or for the purpose of protecting or regulating the use of such meter, may set it or alter the position of it, or of any pipe, wire, rod, connection or tap, and may alter or disconnect any service pipe.

(2) The corporation may fix the price to be paid for the ^{Prices for use of meters, etc.} use of such meter, and the times when and the manner in which the same shall be payable, and may also recover the expense of such alterations; and such price, and the expense of such alterations, may be collected in the same manner as rents or rates for the supply of a public utility.

(3) Where a consumer discontinues the use of the public ^{Removal of fittings from premises of consumers} utility, or the corporation lawfully refuses to continue any longer to supply it, the officers and servants of the corporation may, at all reasonable times, enter the premises in or upon which such consumer was supplied with the public utility for the purpose of removing therefrom any fittings, machines, apparatus, meters, pipes or other things being the property of the corporation in or upon such premises, and may remove the same therefrom, doing no unnecessary damage. 3-4 Geo. V. c. 41, s. 45.

46. No property of the corporation used for or in connection with the supply of any public utility shall be liable to ^{Property of corporation exempt from distress.} be seized for rent due to the landlord of any land or building whereon or wherein the same may be or under execution against the owner or occupant of the land or building. 3-4 Geo. V. c. 41, s. 46.

Liability of persons doing damage.

47. Every person who, by act, default, neglect or omission occasions any loss, damage or injury to any public utility works or to any plant, machinery, fitting or appurtenances thereof shall be liable to the corporation therefor. 3-4 Geo. V. c. 41, s. 47.

Penalty for wilful damage of meters, lamps, etc.

48. Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any meter, lamp, lustre, service pipe, conduit, wire, rod, or fitting belonging to the corporation, or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the meter indicates less than the actual amount of the public utility which passes through it, shall incur a penalty, to the use of the corporation, for every such offence, of not less than \$4 or more than \$20, and shall also be liable for the expenses of repairing or replacing such meter, lamp, lustre, service pipe, conduit, wire, rod or fitting and double the value of the surplus public utility so consumed, all of which, including the penalty, shall be recoverable under *The Ontario Summary Convictions Act*. 3-4 Geo. V. c. 41, s. 48.

Rev. Stat. c. 90.

Penalty for injuring public utility works.

49. Every person who wilfully extinguishes any public lamp or light, or wilfully removes, destroys, damages, fraudulently alters or in any way injures any pipe, conduit, wire, rod, pedestal, post, plug, lamp or other apparatus or thing belonging to the corporation shall incur a penalty, to the use of the corporation, of not less than \$4 or more than \$20, and shall also be liable for all damages occasioned thereby, all of which shall be recoverable under *The Ontario Summary Convictions Act*. 3-4 Geo. V. c. 41, s. 49.

Corporation constructing works to supply buildings on line of supply, on request.

50. Where there is a sufficient supply of the public utility the corporation shall supply all buildings within the municipality situate upon land lying along the line of any supply pipe, wire or rod, upon the request in writing of the owner, occupant or other person in charge of any such building. 3-4 Geo. V. c. 41, s. 50.

Prohibition as to laying main pipes and conduits within 6 feet of existing ones.

51.—(1) Main pipes or conduits for carrying or conveying any public utility underground in any highway, lane or public communication shall not be laid down therein by a municipal corporation or company within the distance of 6 feet of the main pipes or conduits for carrying or conveying any public utility underground of any person without the consent of such person, or the authority of "The Ontario Railway and Municipal Board."

Power of Municipal Board as to granting leave to lay pipes, etc., within less than 6 feet.

(2) The Board, upon the application of the corporation or company, and after notice to such person and hearing any objections which may be made, may authorize the main pipes or conduits to be laid down within such distance less than six feet as may be deemed proper, and all main pipes and conduits laid down in accordance with such authority shall

be deemed to have been laid down under statutory authority and to be lawfully laid down, and may be maintained and operated by the corporation or company without its incurring any liability to such person in respect of the construction, maintenance or operation of them, except that provided for by subsection 5, any general or special statute or law to the contrary notwithstanding.

(3) Such authority may be granted subject to such conditions as the Board may deem necessary to prevent injury to the main pipes or conduits of such person, or to such person, his servants and workmen, in maintaining, repairing and operating them. Conditions.

(4) The powers conferred by this section may be exercised from time to time as occasion may require. Exercise of powers.

(5) If any damage or injury is done to the main pipes or conduits of such person, or is occasioned in the maintenance of them, by reason of the main pipes or conduits of the corporation or company being laid down at a less distance than six feet from the main pipes or conduits of such person, no action shall lie in respect thereof, but the corporation or company doing such damage or injury shall make due compensation therefor, and any question or dispute as to such damage or injury having been so done or occasioned, or as to the amount of compensation, shall be determined by arbitration, and the provisions of *The Municipal Act* shall apply *mutatis mutandis*. Compensation for damages. Rev. Stat. c. 192.

(6) The person claiming damages shall, within one month after the expiration of any calendar year in which he claims that any such damage or injury has been so done or occasioned, give notice in writing to the corporation of his claim and the particulars thereof, and upon failure to do so the right to compensation in respect of the damage or injury done or occasioned during that calendar year shall be forever barred. 3-4 Geo. V. c. 41, s. 51. Claim for damages.

52. Except where otherwise expressly provided all penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*. Recovery of penalties. Rev. Stat. c. 90.

3-4 Geo. V. c. 41, s. 52.

PART V.

ALL COMPANY PUBLIC UTILITIES.

53. This Part shall apply to every company heretofore or hereafter incorporated for the purpose of supplying any public utility. 3-4 Geo. V. c. 41, s. 53. Application of Part.

Conditions precedent to company carrying on business or expropriating land.
Rev. Stat. c. 197.

54.—(1) The company shall not exercise any of its powers within a municipality unless and until a by-law of the council of the municipality has been passed with the assent of the municipal electors where such assent is required by *The Municipal Franchises Act* authorizing the company to exercise the same and the company when so authorized may exercise any of the powers of expropriation conferred on a municipal corporation by Parts 1 and 2, if the power to expropriate is conferred on it by the letters patent incorporating the company or by supplementary letters patent.

Power to carry pipes through land within 10 miles of municipality.

(2) Subject to subsection 1 a company may conduct any of its pipes or carry any of its works through the land of any person lying within ten miles of the municipality for supplying which the company was incorporated.

Rev. Stat. c. 185.

(3) The powers of expropriation conferred on a company shall be exercised under and in accordance with the provisions of *The Ontario Railway Act*. 3-4 Geo. V. c. 41, s. 54.

Power to take security from consumer.

55. A company, before supplying any public utility to any building or premises or as a condition of its continuing to supply the same, may require any consumer to give reasonable security for the payment of the proper charges of the company therefor, or for carrying the public utility into such building. 3-4 Geo. V. c. 41, s. 55.

Remedy for price of public utility furnished.

56. If any person supplied with any public utility neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof, the company, or any person acting under its authority, on giving forty-eight hours' previous notice, may stop the supply from entering the premises of such person by cutting off the service pipes, or by such other means as the company or its officers may deem proper, and the company may recover the rent or charge due up to that time, together with the expenses of cutting off the supply, notwithstanding any contract to furnish it for a longer time. 3-4 Geo. V. c. 41, s. 56.

Charges by exporting gas companies.

57. Where a natural gas company or natural gas transmitting company produces or transmits gas for export the price or charge at which the same shall be supplied shall be subject to regulation by the Lieutenant-Governor in Council. 3-4 Geo. V. c. 41, s. 57.

General powers.

58. The provisions of sections 6, 7 and 8, except as to the manner of recovering charges and expenses, sections 10, 11 and 12 as to making agreements for a supply of water to a railway company, manufactory or builder, and sections 14, 17, 18, 20, 21, 22 and 23 shall, *mutatis mutandis*, apply to a company. 3-4 Geo. V. c. 41, s. 58.

PART VI.

ACQUIRING WORKS FROM COMPANIES.

59.—(1) Where a by-law of the council of an urban municipality is passed with the assent of the electors entitled to vote on money by-laws declaring that it is expedient to acquire the works of a company, incorporated on or after the 10th day of March, 1882, for the purpose of supplying within such municipality any public utility the corporation may take possession of the works of the company and all property used in connection therewith for the purposes of supplying such public utility, whether the works and property, or any of them, are within or without the municipality, and shall pay therefor at a valuation to be determined by arbitration under *The Municipal Act*, subject to the provisions hereinafter mentioned.

Municipalities may acquire works of company on payment therefor.

Rev. Stat. c. 192.

(2) The arbitrators, in determining the amount to be paid for such works and property, shall first determine the actual value thereof, having regard to what the same would cost if the works should be then constructed, or the property then bought, making due allowance for deterioration, wear and tear, and all other proper allowances, and shall increase the amount so ascertained by ten per centum thereof, which increased sum the arbitrators shall award as the amount to be paid by the corporation to the company, with interest from the date of their award.

Mode of computing value.

(3) The amount shall be paid within six months from the date of the award, and the council shall take all requisite steps for providing the amount; and it shall not be necessary that a by-law passed for borrowing the amount shall receive the assent of the electors.

Time within which amount to be paid.

(4) The council may, without submitting the question to the vote of the electors, take the proceedings authorized by subsection 1 for determining the amount to be paid for such works and property, upon notice to the company that the corporation intends to acquire the works and property by arbitration, under the provisions of this Act; but in such case any by-law for raising money to pay therefor shall require the assent of the electors and until the by-law is finally passed, the corporation shall not, unless with the consent of the company, take possession of the works or property; and in the event of the by-law not being passed the corporation shall indemnify the company for all costs it has been put to in and about the arbitration.

Council may take proceedings to determine value without first obtaining assent of electors.

(5) The council and the company may agree as to the amount to be paid for the works and property or any of them.

Amount may be settled by agreement.

(6) If the amount awarded, or agreed to be paid, to the company is not paid within six months after the time at which it is payable the company may resume possession of

If amount not paid, rights of company to revive.

its works and property, and all its rights in respect thereof shall thereupon revive.

Existing companies may consent to be bound by above provisions.

(7) Any company incorporated before the 10th day of March, 1882, may, by by-law, declare that such company consents to be bound by the provisions of this section, and upon the passing of the by-law this section shall apply to the company.

Limitations as to by-laws.

(8) A by-law may be passed under subsection 1, with respect to a company incorporated before the 10th day of March, 1882, if an agreement has been made between the company and the corporation under which the corporation has the right at any time, or at any time after a date thereby fixed, not being later than ten years from the date of the agreement, to acquire the works of the company and all property used in connection therewith for such purposes, at a valuation to be determined by arbitration under *The Municipal Act*.

Rev. Stat. c. 192.

Certain rights not affected.

(9) Nothing in this section shall affect the right of a municipal corporation to acquire the works and property of any public utility company by agreement with the company, or any right of acquisition which has been or may be secured by any such corporation independently of the provisions of this section. 3-4 Geo. V. c. 41, s. 59.

TAKING STOCK, ETC., IN COMPANIES.

Power to subscribe for stock, etc.

60.—(1) Subject to the provisions of *The Municipal Act* the corporation of any municipality which has power to construct such works, and in which the public utility works of a company are situate, may subscribe for shares or take stock in the company or may loan money to it on mortgage or otherwise or guarantee payment of money borrowed by it.

When the head to be a director.

(2) The head of a municipality, the corporation of which holds stock in any such company to the extent of one-tenth or more of the whole of the capital stock, shall be *ex officio* a director of the company so long as the corporation continues to hold stock to that extent. 3-4 Geo. V. c. 41, s. 60.

PART VII.

COMMISSION FOR RAILWAYS AND TELEPHONES.

Commission to construct and manage railways and telephones.

61. The council of a municipal corporation, which owns or operates, or is about to establish any of the following works:—

(a) A railway, an electric railway, a street railway, or an incline railway;

(b) Telephone systems, or lines;

may, by by-law passed with the assent of the municipal electors, provide for entrusting the construction of the work and the control and management of it to a commission, to be called The Public Service Commission of the (*naming the municipality*) or to an existing Public Utilities Commission established under the authority of this Act; and if such a by-law is passed the provisions of sections 34 to 43 shall apply *mutatis mutandis* to the commission to which the construction, control and management of the work are entrusted and to the work. 3-4 Geo. V. c. 41, s. 61.

PART VIII.

MISCELLANEOUS.

62. Nothing in this Act shall affect the provisions of section 38 or section 39 of *The Power Commission Act*, and they shall continue to apply to the cases to which they now apply. 3-4 Geo. V. c. 41, s. 62.

Certain provisions of Rev. Stat. c. 39 not affected.

CHAPTER 205.

An Act respecting Contracts for the Supply of
Electrical Power to Municipal Corporations.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Short title.

1. This Act may be cited as *The Municipal Electric Contracts Act*. 3-4 Geo. V. c. 42, s. 1.

Consent of
electors
required for
contracts or
franchises
for supply,
etc., of elec-
trical power.

Rev. Stat.
c. 192.

2. No municipal corporation shall enter into or renew any contract for the supply of electrical power or energy to the corporation or to the inhabitants thereof, or grant any franchise or any renewal of a franchise for the supply and distribution of electrical power or energy within the municipality, until a by-law setting forth the terms and conditions of such contract or franchise has been first submitted to, and has received the assent of, the municipal electors in the manner provided by *The Municipal Act*. 3-4 Geo. V. c. 42, s. 2.

3. HIGHWAYS.

CHAPTER 206.

An Act to regulate Travelling on Public Highways and Bridges.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Highway Travel Act*. Short title.
2 Geo. V. c. 47, s. 1.

2. In this Act "Vehicle" shall include a vehicle drawn by Interpretation, one or more horses, or other animals, a traction engine and a ^{tion.} "Vehicle." motor vehicle. 2 Geo. V. c. 47, s. 2.

HIGHWAYS.

3.—(1) Where a person travelling, or being upon a high-vehicles way in charge of a vehicle, meets another vehicle he shall ^{meeting} turn out to the right from the centre of the road allowing to ^{others.} the vehicle so met one-half of the road.

(2) Where a person travelling, or being upon a highway in-vehicles charge of a vehicle, meets a person travelling upon a bicycle ^{meeting} or tricycle he shall, where practicable, allow him sufficient ^{bicycles,} room on the travelled portion of the highway to pass to the ^{etc.} right. 2 Geo. V. c. 47, s. 3.

4.—(1) Where a person travelling, or being upon a high-vehicles way in charge of a vehicle, or on horseback, is overtaken by ^{horsemen} any vehicle or horseman travelling at greater speed, the per- ^{by others.} son so overtaken shall quietly turn out to the right and allow such vehicle or horseman to pass.

(2) Any person so overtaking another vehicle or horseman ^{vehicles or} shall turn out to the left so far as may be necessary to avoid ^{horsemen} a collision with the vehicle or horseman so overtaken, and ^{overtaken} the person so overtaken shall not be required to leave more ^{others.} than one-half of the road free.

(3) Where a person travelling or being upon a highway on ^{Bicycles and} a bicycle or tricycle, is overtaken by a vehicle or horseman ^{tricycles} travelling at a greater speed, the person so overtaken shall ^{overtaken} quietly turn out to the right and allow such vehicle or horse- ^{by vehicles} or horsemen.

man to pass, and the person so overtaking the bicycle or tricycle shall turn out to the left so far as may be necessary to avoid a collision.

Bicycle overtaking vehicle, horseman or foot passenger to give warning.

(4) Where a person travelling upon a highway on a bicycle or tricycle overtakes any vehicle or horseman travelling at less speed, or a person travelling on foot, the person on the bicycle or tricycle shall give to the other person audible warning of his approach before attempting to pass. 2 Geo. V. c. 47, s. 4.

Driver unable to turn out is to stop.

5.—(1) Where one vehicle is met or overtaken by another if, by reason of the weight of the load on either of the vehicles so meeting or on the vehicle so overtaken, the driver finds it impracticable to turn out he shall immediately stop and, if necessary for the safety of the other vehicle, and if required so to do, he shall assist the person in charge thereof to pass without damage.

Portable and traction engines meeting or overtaken by other vehicles.

(2) Where a portable or traction engine is met or overtaken on a highway by a vehicle drawn by a horse or other animal, or by a horseman, the driver of the engine shall, if practicable, turn out to the right and give such vehicle or horseman at least one-half of the road, and shall in all cases stop and remain stationary until the vehicle or horseman has safely passed, and shall, if requested by the driver of the vehicle or by the horseman, assist such driver or horseman to pass without damage.

Stopping engine.

(3) Every person in charge of a portable or a traction engine, and being upon a highway and about to meet or be passed by a vehicle drawn by a horse or other animal, or by a horseman, shall stop when at a distance of not less than one chain from such vehicle or horseman and shall remain stationary until the vehicle or horseman shall have safely passed such engine.

Lights to be carried ahead of engine.

(4) Where any such engine is using a highway or bridge, between sunset and sunrise, it shall be the duty of all persons in charge thereof to see that some person shall walk, ride or drive ahead of it, carrying a light so as to give warning to persons in charge of approaching vehicles or animals, such person with such light to be and continue at least one chain in front of the engine; and it shall be the duty of such person also to warn the driver of such engine to stop when an animal or vehicle is drawing near, and also to warn the person in charge of such animal or vehicle of such engine.

Lights to be carried on engine.

(5) Every such engine shall, after sunset and before sunrise, carry a bright red light in a conspicuous place in front and a green light on the rear of the engine or of any vehicle which may be attached to it.

Noises not to be made when passing horses, etc.

(6) It shall be the duty of the driver, or of the person in charge of any such engine, to see that it makes no noise by whistling or otherwise when any horse or animal is passing

or is near or is about to pass the same on any highway. 2 Geo. V. c. 47, s. 5.

6. Where a person in charge of a vehicle or of a horse or other animal used as a means of conveyance, travelling or being on a highway, is, through drunkenness, unable to drive or ride the same with safety to other persons travelling on or being upon the highway he shall incur the penalties imposed by this Act. 2 Geo. V. c. 47, s. 6. Drunkenness of driver or rider.

7. No person shall race with or drive furiously any horse or other animal, or shout, or use any blasphemous or indecent language upon any highway. 2 Geo. V. c. 47, s. 7. Racing and disorderly conduct.

8. Every person travelling upon a highway with a sleigh, sled, or cariole, drawn by a horse or other animal, shall have at least two bells attached to the harness. 2 Geo. V. c. 47, s. 8. Sleigh bells.

9. Where a person travelling upon a bicycle or tricycle in a northerly or westerly direction upon the central strip between the double tracks of a surface railway meets another person on a bicycle or tricycle travelling in an opposite direction he shall turn out to the right, allowing to such other person the whole of the central strip. 2 Geo. V. c. 47, s. 9. Bicycles on devil strips.

BRIDGES.

10.—(1) The person who has the superintendence of any bridge exceeding thirty feet in length may cause to be put up at each end thereof, conspicuously placed, a notice legibly printed in the following form: Notice to be posted at bridges.

“Any person or persons riding or driving on or over this bridge at a faster rate than a walk will, on conviction thereof, be subject to a fine as provided by law.” Form of.

(2) A person who injures or interferes with such notice shall incur a penalty of not less than \$1 or more than \$8. Penalty for defacing.

(3) If, while such notice continues up, a person rides or drives a horse or other animal on or over such bridge at a pace faster than a walk he shall incur the penalties imposed by this Act. 2 Geo. V. c. 47, s. 10. Violation of prohibition notice.

PENALTIES; RECOVERY AND APPLICATION OF.

11. Where not otherwise specially provided any person contravening this Act shall incur a penalty of not less than \$1 nor more than \$20. 2 Geo. V. c. 47, s. 11. Generally.

12. No penalty or imprisonment shall be a bar to the recovery of damages by the injured person. 2 Geo. V. c. 47, s. 12. Right to damages reserved.

Application
of penalties.

13. Every fine when collected shall be paid to the treasurer of the local municipality or place in which the offence was committed, and shall be applied to the general purposes thereof, unless the offence was committed on a road or bridge owned by a company or person, and such company or person, or the officer or servant of such company or person is the complainant, in which case the penalty when collected shall be paid over to such company or person. 2 Geo. V. c. 47, s. 13.

Recovery.

14. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*. 2 Geo. V. c. 47, s. 14.

CHAPTER 207.

An Act to regulate the Speed and Operation of
Motor Vehicles on Highways.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Motor Vehicles Act*. Short title.
2 Geo. V. c. 48, s. 1.

2. In this Act,

Interpreta-
tion.

(a) "Highway" shall include public park, parkway and driveway; "Highway."

(b) "Motor vehicle" shall include automobile, locomobile, motor bicycle and any other vehicle propelled or driven otherwise than by muscular power; but shall not include the cars of electric or steam railways, or other motor vehicles running only upon rails or a traction engine within the meaning of *The Traction Engines Act*; "Motor vehicle."

Rev. Stat.
c. 212.

(c) "Peace Officer" shall include a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer, justice of the peace, gaoler or keeper of a prison, and a police officer, police constable, bailiff, constable or other person employed for the preservation and maintenance of the public peace, or for the service or execution of civil process. 2 Geo. V. c. 48, s. 2. "Peace officer."

3.—(1) The owner of every motor vehicle driven on a highway shall pay to the Provincial Secretary a registration fee for such motor vehicle. Registration fee.

(2) The Provincial Secretary shall issue, for each motor vehicle so registered, a numbered permit stating that such motor vehicle is registered in accordance with this Act, and shall cause the name of such owner, his address and the number of his permit, to be entered in a book to be kept for such purpose. Permits for vehicles.

(3) The Lieutenant-Governor in Council may make regulations regarding renewals and transfers of such permits, the payment of fees therefor, the amount and time of payment of such fees, and the registration and operation of motor Regulations.

vehicles owned by manufacturers or dealers and not kept by them for private use. 2 Geo. V. c. 48, s. 3.

Regulations.

(4) The Lieutenant-Governor in Council may make regulations

(a) For the appointment of permanent, special or temporary constables, servants or officers for enforcing or carrying out the provisions of this Act or of any regulations made thereunder;

(b) For defining the duties and powers of and for fixing the salaries, allowances and expenses to be paid to such constables, servants or officers.

Salaries and expenses of constables, etc.

(5) Such salaries allowances and expenses for the purposes mentioned in subsection 4 shall be payable out of any sum appropriated by this Legislature for the purposes mentioned in subsection 4. 3-4 Geo. V. c. 52, s. 1.

Licenses for paid drivers.

4.—(1) No person shall, for hire, pay or gain, drive a motor vehicle on a highway unless he is licensed to do so, and no person shall employ anyone so to drive a motor vehicle who is not so licensed.

Terms of license.

(2) The license for such purpose may be issued by the Provincial Secretary to such person for such time and upon such terms and subject to such regulations and restrictions as the Lieutenant-Governor in Council may prescribe. 2 Geo. V. c. 48, s. 4.

Certificate from two members of Ontario Motor League prior to granting license.

(3) A license shall not be issued to a person who drives a motor vehicle for hire, pay or gain unless and until he files in the office of the Provincial Secretary a certificate signed by two members of the Ontario Motor League appointed for that purpose by the Lieutenant-Governor in Council and residing in the municipality in which the applicant for the license resides, and also by the chief constable of that municipality stating that they have examined the applicant and that he is a fit and proper person to be so licensed, having regard to his character, physical fitness, ability to drive and knowledge of the rules of the road.

(4) If there are not two such appointed members residing in the municipality the certificate may be signed by two such appointed members residing in the municipality nearest to that in which the applicant resides. 3-4 Geo. V. c. 52, s. 2.

Production of license.

5. A license must be produced by any person driving a motor vehicle for hire, pay or gain when demanded by a peace officer. 2 Geo. V. c. 48, s. 5.

Alarm bell to be sounded at crossings, etc.

6.—(1) Every motor vehicle shall be equipped with an alarm bell, gong or horn, and the same shall be sounded when-

ever it shall be reasonably necessary to notify pedestrians or others of its approach.

(2) Whenever on a highway, after dusk and before dawn, ^{Lamps.} every motor vehicle shall carry on the front thereof a lighted lamp in a conspicuous position. 2 Geo. V. c. 48, s. 6.

7. A motor bicycle, while being driven on a highway, shall have exposed on the back thereof a marker furnished by the Provincial Secretary showing in plain figures, not less than three inches in height, the number of the permit of such motor bicycle. ^{Marker on back of motor bicycle showing number of permit.} 2 Geo. V. c. 48, s. 7.

8.—(1) Every motor vehicle, other than a motor bicycle, while being driven on a highway, shall have attached to and exposed on the front and back thereof in a conspicuous position a marker furnished by the Provincial Secretary showing in plain figures, not less than five inches in height, the number of the permit. ^{Marker on front and back of other motor vehicles showing number of permit.}

(2) The marker on the front shall be as far forward and as high from the ground as may be necessary to render it distinctly visible, and the marker on the back shall be so placed that the lower edge thereof shall not be lower than the body of the motor vehicle. ^{Position of marker.}

(3) Every such motor vehicle shall carry a lamp so placed as to illuminate conspicuously at all times between dusk and dawn the number placed on the back of the vehicle. ^{Position of lamp.} 2 Geo. V. c. 48, s. 8.

9.—(1) No number other than that upon the marker furnished by the Provincial Secretary shall be exposed on any part of a motor vehicle. ^{No other numbers to be exposed.}

(2) The numbers shall be kept free from dirt and obstruction, and the markers shall be so affixed that the numbers may be at all times plainly visible. ^{Numbers to be kept clean.}

(3) No motor vehicle shall carry what is known to the trade as a search light. ^{Search light.} 2 Geo. V. c. 48, s. 9.

10.—(1) The provisions of sections 3, 7, 8 and 9, shall not apply to a motor vehicle owned by any person who does not reside or carry on business in Ontario for more than three consecutive months in each year, if the owner thereof is a resident of some other Province of Canada, and has complied with the provisions of the law of the Province in which he resides as to registration of a motor vehicle and the display of the registration number thereon; ^{Exceptions as to residents of other Provinces.}

(2) This section shall apply to such person only to the extent to which under the laws of the Province in which he resides like exemptions and privileges are granted with respect to a motor vehicle registered under the laws of and owned by residents of Ontario. ^{Limited application.} 3-4 Geo. V. c. 52, s. 3.

Rate of
speed.

11.—(1) No motor vehicle shall be driven upon any highway within a city, town or village at a greater rate of speed than fifteen miles an hour, or upon any highway outside of a city, town or village at a greater rate of speed than twenty miles an hour; but the council of a city, town, township or village may by by-law set apart any highway or any part thereof on which motor vehicles may be driven at a greater rate of speed for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such highway or part thereof for such purpose. 2 Geo. V. c. 48, s. 10.

Exception.

Reckless
driving.

(2) Notwithstanding the provisions of subsection 1, any person who drives a motor vehicle on a highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances, including the nature, condition and use of the highway and the amount of traffic which actually is at the time, or which might reasonably be expected to be on the highway, shall be guilty of an offence under this Act. 2 Geo. V. c. 48, s. 11.

Racing.

12. No person shall drive a motor vehicle upon a highway in a race or on a bet or wager. 2 Geo. V. c. 48, s. 12.

Persons
under 18
not to drive.

13. No person under the age of eighteen years shall drive a motor vehicle. 2 Geo. V. c. 48, s. 13.

Intoxicated
persons not
to drive.

14. No intoxicated person shall drive a motor vehicle. 2 Geo. V. c. 48, s. 14.

Manner of
passing
standing
street car.

15. When a motor vehicle meets or overtakes a street car which is stationary for the purpose of taking on or discharging passengers, the motor vehicle shall not pass the car on the side on which passengers are getting on or off until such passengers have got on or got safely to the side of the street as the case may be. 3-4 Geo. V. c. 52, s. 4.

Approaching
driven or
ridden horses.

16.—(1) Every person having the control or charge of a motor vehicle shall, when upon a highway and approaching any vehicle drawn by a horse, or a horse upon which any person is riding, operate, manage and control such motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of such horse and to ensure the safety and protection of any person riding or driving the same, and, outside the limits of any city or town, shall not approach such horse within one hundred yards, or pass the same going in the opposite direction at a greater rate of speed than seven miles an hour, and, if going in the same direction, shall signal his desire to pass and give the rider or driver an opportunity to turn out so that he may be passed with safety, and if any such horse going in the opposite direction appears to be frightened or if such person is signalled so to do he shall

Rate of speed.

stop such motor vehicle, including the motor, and shall remain stationary so long as may be necessary to allow such rider or driver to pass or until directed by him to proceed; and in case any animal ridden or driven by such rider or driver appears to be frightened such person and the occupants of the motor vehicle shall render assistance to such rider or driver. Duty to stop.
 2 Geo. V. c. 48, s. 16. And to assist.

(2) A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signalling device so as to make an unreasonable noise, and an operator of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the said motor vehicle, nor shall such operator at any time, by cutting out the muffler or otherwise, cause such motor vehicle to make any unnecessary noise. Unnecessary noise.
 3-4 Geo. V. c. 52, s. 5.

17. The driver of a motor vehicle upon any highway outside the limits of a city shall upon meeting or overtaking a funeral procession stop his vehicle, including the motor, or, where practicable, shall turn out into an intersecting highway or lane until the funeral procession has passed. Passing funeral procession.
 2 Geo. V. c. 48, s. 17.

18. If an accident occurs to any person on foot or horseback, or in a vehicle, or to any horse or vehicle in charge of any person, owing to the presence of a motor vehicle on a highway the person in charge of such motor vehicle shall return to the scene of the accident and give in writing to anyone sustaining loss or injury his name and address, and also the name and address of the owner of such motor vehicle, and the number of the permit. Duty of person in charge in case of accident.
 2 Geo. V. c. 48, s. 18.

19. The owner of a motor vehicle shall be responsible for any violation of this Act or of any regulation prescribed by the Lieutenant-Governor in Council. Motor owner responsible.
 2 Geo. V. c. 48, s. 19.

20. No provision of any by-law heretofore or hereafter passed under paragraph 1 of section 406 of *The Municipal Act* which is inconsistent with the provisions of this Act shall affect or apply to motor vehicles. Rev. Stat. c. 192.
 2 Geo. V. c. 48, s. 20;
 3-4 Geo. V. c. 52, s. 6.

21. The Provincial Secretary may at any time, for misconduct or infraction of the provisions of this Act or of any regulation thereunder by an owner or driver of a motor vehicle, suspend or revoke any permit or license. Power to revoke permit or license.
 2 Geo. V. c. 48, s. 21.

22. The Provincial Secretary shall furnish all clerks of the peace with copies of this Act and of the regulations thereunder for distribution to the constables of all counties, districts and local municipalities, and he shall also furnish copies of this Act to the clerks of all local municipalities to Distribution of copies of Act and lists of permits and licenses.

be posted up in conspicuous places, and shall also furnish on the first days of May and September in each year to the clerks of all such municipalities lists of all persons to whom permits and licenses are issued. 2 Geo. V. c. 48, s. 22.

Onus of
disproving
negligence.

23. When loss or damage is sustained by any person by reason of a motor vehicle on a highway the onus of proof that such loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver. 2 Geo. V. c. 48, s. 23.

Penalties.

24.—(1) Any person who violates any of the provisions of subsections 1 or 2 of section 8, subsection 1 of section 9, or sections 12, 14 or 18 shall be liable for the first offence to a penalty of \$50 or one week's imprisonment or both, for the second offence to a penalty of \$100 or one month's imprisonment or both, and for the third or any subsequent offence to imprisonment not exceeding six months. 2 Geo. V. c. 48, s. 24 (1); 3-4 Geo. V. c. 52, s. 7.

Convictions
for subse-
quent
offences.

(2) On a charge for a second, third or subsequent offence under this section a conviction need not be shown to be for an offence against the same section, but a conviction for an offence against subsections 1 or 2 of section 8, subsection 1 of section 9, or sections 12, 14 or 18 shall be deemed to be a prior conviction. 2 Geo. V. c. 48, s. 24 (2); 3-4 Geo. V. c. 52, s. 8.

When
chauffeur
may be
disqualified.

25.—(1) A Police Magistrate or Justice of the Peace before whom a person is convicted of an offence under this Act, if the person convicted is required to hold a license under section 4 and does not hold such license, may declare him disqualified to hold such a license for such time as the Police Magistrate or Justice of the Peace thinks fit and shall so report with the certificate of the conviction to the Provincial Secretary.

Convictions
to be endorsed
on license.

(2) If the person convicted holds a license issued under section 4 the Police Magistrate or Justice of the Peace shall cause particulars of the conviction, if for an offence against section 4, subsections 1 or 2 of section 8, subsections 1 or 2 of section 9, sections 11, 12, 14, 16, 17 or 18, to be endorsed upon such license, and if such conviction is a third conviction shall confiscate such license and any badge issued therewith, and shall forward the same with the certificate of the conviction to the Provincial Secretary.

Production
of license.

(3) A person so convicted, if he holds a license issued under section 4, shall produce the license within a reasonable time for the purpose of endorsement, and if he fails to do so shall be guilty of an offence under this Act. 2 Geo. V. c. 48, s. 25.

26.—(1) A Police Magistrate or Justice of the Peace who makes a conviction under this Act shall forthwith certify the same of the Provincial Secretary setting out the name, address and description of the person so convicted, the number of the permit of the motor vehicle with which the offence was committed, the number of the section of the Act contravened and the time the offence was committed, and if such offence was committed by a person licensed under section 4 the number of the license and the name, address and description of his employer, and if three such convictions for an offence against subsections 1 or 2 of section 8, subsection 1 of section 9, or sections 12, 14 or 18 are made against the same person the permit of the motor vehicle with which the offence, for which such third conviction was made, was committed, or the license issued under section 4, or both, may be cancelled and the offender shall not be entitled to a permit or license for a period of two years thereafter. 2 Geo. V. c. 48, s. 26 (1); 3-4 Geo. V. c. 52, s. 9.

Justice to
certify con-
viction to
Provincial
Secretary.

(2) The Police Magistrate or Justice of the Peace shall be entitled to add to the costs of the conviction twenty-five cents for his costs of the certificate.

Costs of
certificate.

(3) A copy of the certificate, certified by the Provincial Secretary or Assistant Provincial Secretary under the seal of the Provincial Secretary, shall be *prima facie* evidence of the conviction. 2 Geo. V. c. 48, s. 26 (2-3).

Proof of
prior con-
victions.

27.—(1) In the event of a third or subsequent conviction, under sections 3, 4, 12, 13, 14 or 18, the motor vehicle driven by the person convicted at the time of committing the offence of which he was convicted shall be seized, impounded and taken into the custody of the law for a period of three months. 2 Geo. V. c. 48, s. 27 (1); 3-4 Geo. V. c. 52, s. 10.

Impounding
motor vehicle.

(2) Such motor vehicle shall be stored where the convicting Police Magistrate or Justice of the Peace shall direct, and all costs and charges for the care or storage thereof shall be a lien upon such motor vehicle, and the same may be enforced in the manner provided by *The Mechanics' and Wage-Earners' Lien Act*.

Storage of
vehicles
and lien
therefor.

Rev. Stat.
c. 140.

(3) If the person so convicted gives sufficient security to the convicting Police Magistrate or Justice of the Peace by bond, recognizance or otherwise, that such motor vehicle shall not be operated upon any highway during such period of three months, the same may be delivered to the person so convicted or the owner thereof, and if such motor vehicle is operated upon a highway during such period it shall be deemed to be operated without a permit. 2 Geo. V. c. 48, s. 27 (2-3).

Release of
vehicle on
security given
by owner.

28. If the employer of a person driving a motor vehicle for hire, pay or gain is present in the motor vehicle at the time of the committing of any offence against this Act such

Owner may
be prosecuted.

employer as well as the driver shall be liable to conviction for such offence. 2 Geo. V. c. 48, s. 28.

Penalties.

29. Any person who violates any of the provisions of this Act or of any regulation made thereunder, where a penalty for the offence is not hereinbefore provided, shall incur a penalty not exceeding \$10 for the first offence, not exceeding \$20 for the second offence, not exceeding \$30 for the third offence, and not exceeding \$50 for any subsequent offence. 2 Geo. V. c. 48, s. 29; 3-4 Geo. V. c. 52, s. 11.

Application of penalty where constable or municipal officer prosecutes.

30. Where a constable or other officer of a municipality is the prosecutor any penalty imposed under this Act shall, when received, be paid over by the convicting Police Magistrate or Justice of the Peace to the treasurer of the municipality. 2 Geo. V. c. 48, s. 30.

Arrests by peace officer without warrant.

31.—(1) Every peace officer who, on reasonable and probable grounds, believes that an offence against any of the provisions of subsections 1 or 2 of section 8, subsection 1 of section 9, or sections 12, 14 or 18 has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed that offence, may arrest such person without warrant whether such person is guilty or not. 2 Geo. V. c. 48, s. 31 (1); 3-4 Geo. V. c. 52, s. 12.

Assisting peace officers.

(2) Every person called upon to assist a peace officer in the arrest of a person suspected of having committed any such offence may assist, if he knows that the person calling on him for assistance is a peace officer, and does not know that there are no reasonable grounds for the suspicion.

Arresting on view.

(3) Every person may arrest without warrant any person whom he finds committing any such offence. 2 Geo. V. c. 48, s. 31 (2-3).

Detaining vehicle when arrest made.

32. A peace officer or other person making an arrest without warrant may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under this Act, but such motor vehicle may be released on security for its production being given to the satisfaction of a Justice of the Peace. 2 Geo. V. c. 48, s. 32.

Duty of person arresting without warrant.

33. A peace officer or other person making an arrest without warrant shall, with reasonable diligence, take the person arrested before a Justice of the Peace to be dealt with according to law. 2 Geo. V. c. 48, s. 33.

Recovery of penalties. Rev. Stat. c. 90.

34. The penalties provided by this Act shall be recoverable under *The Ontario Summary Convictions Act*. 2 Geo. V. c. 48, s. 34.

Section 285 of the Criminal Code reads as follows:

Every one is guilty of an indictable offence and liable to two years' imprisonment who, having the charge of any carriage or vehicle, by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person.

CHAPTER 208.

An Act respecting Double Tracks in Snow Roads.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Snow Roads Act*. 2 Geo. V. c. 49, s. 1.

Interpreta-
tion—
"vehicle."

2. In this Act "Vehicle" shall mean a vehicle drawn by one or more horses or other animals or propelled by any motive power. 2 Geo. V. c. 49, s. 2.

Powers of
County
Council.

3. The council of a county may provide, by by-law, for the making of a double track during the season of sleighing in each and every year upon such leading highways within the county, whether or not county roads, as such council deems advisable. 2 Geo. V. c. 49, s. 3.

Nature of
tracks.

4. Where a county council has passed such a by-law the double track shall be so made that one vehicle may pass another without being obliged to turn out when meeting. 2 Geo. V. c. 49, s. 4.

Right of
road.

5. Every vehicle shall travel in the right-hand track, and any person driving or propelling his vehicle in the wrong track shall leave it when he meets a vehicle entitled to use such track. 2 Geo. V. c. 49, s. 5.

Duties and
powers of
path-masters
or road
masters.

6.—(1) A county council may also provide, by by-law, that pathmasters appointed by township councils shall cause the highways on which double tracks are to be made to be kept open for travel within their respective municipalities, or, if there are no such pathmasters available, may appoint roadmasters to perform that duty.

Calling out
persons
liable to
perform
Statute
Labour.

(2) Such pathmasters or roadmasters shall have power to call out persons liable to perform statute labour to assist in keeping open such highways within their respective municipalities, and may give to the persons employed in so doing certificates of having performed statute labour to the amount of the days' work done, and such work shall be allowed for in the next season's statute labour.

Application
of commuta-
tion of
Statute
Labour.

(3) The county council may also provide for the application by such township councils of so much of the commutation of statute labour fund as may be necessary for the keep-

ing open of such highways within their respective municipalities. 2 Geo. V. c. 49, s. 6.

7. If a township council neglects or refuses to keep such highways open for travel, as provided by the next preceding section, the county council may do so, and may impose upon the township so in default a rate sufficient for that purpose, and such rate shall be levied and collected in the manner provided by *The Assessment Act* for the collection of county rates. 2 Geo. V. c. 49, s. 7.

County acting on default by township.

Rev. Stat. c. 195.

8. Any person liable to perform statute labour who refuses or neglects to turn out and work under any pathmaster or roadmaster who warns him out for that purpose, under the authority of this Act, shall incur a penalty of not less than \$1 or more than \$20. 2 Geo. V. c. 49, s. 8.

Penalty for persons refusing to work.

9. Any person travelling with his vehicle in the wrong track and refusing or neglecting to leave the same when met by a person who is rightfully travelling therein with his vehicle shall incur a penalty of not less than \$1 or more than \$20. 2 Geo. V. c. 49, s. 9.

Penalty for refusing to turn out of wrong track.

10. The penalties mentioned in sections 8 and 9 shall be recoverable under *The Ontario Summary Convictions Act*. 2 Geo. V. c. 49, s. 10.

Recovery of penalties.

Rev. Stat. c. 90.

11. All the rights and powers by this Act conferred upon councils of counties may be exercised by the councils of townships in districts without county organization. 2 Geo. V. c. 49, s. 11.

How Act enforceable in townships in districts.

CHAPTER 209.

An Act respecting Exemptions from Tolls.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Tolls Exemption Act*.
2 Geo. V. c. 51, s. 1.

Exemption
from toll.

2. The following shall be exempt from the payment of any tolls or charges on embarking or disembarking from or upon any pier, wharf, quay or landing-place, or passing any road or bridge, or passing any toll-gate or road:

Officers and
soldiers on
duty.

(a) His Majesty's officers and soldiers, including the militia, being in proper staff or regimental or military uniform, dress or undress, and their horses, but not when passing in any hired or private vehicle unless when on or proceeding to or from duty;

Recruits.

(b) Recruits marching by route;

Prisoners.

(c) Prisoners under military escort;

Pensioners.

(d) Enrolled pensioners in uniform when called out for training or in aid of the civil power;

His
Majesty's
horses and
carriages.

(e) Carriages and horses belonging to His Majesty or employed in His service when conveying such persons or their baggage or returning therefrom;

Funerals,
going or
returning.

(f) Persons, horses or vehicles going to or returning from a funeral;

Church,
going or
returning
from.

(g) Any person with a horse or vehicle going to or returning from his usual place of religious worship on Sunday or any other statutory holiday;

Crossing
toll road.

(h) Any person, horse or other animal or vehicle merely crossing a road or travelling thereon not more than half a mile in crossing from one transverse road to the transverse road which is nearest to the one from which such crossing was made;

Farmer or
gardener
going to
work on his
own farm.

(i) Any farmer or gardener residing on the line of such road when going to or returning from his work on his farm or garden, or his cattle or other stock when being driven or taken from one farm or

garden owned or occupied by him to another part of the same farm or garden when such farm or garden also adjoins such road; but where the farm or garden is not continuous along such road such farmer or gardener shall not be entitled to travel thereon without toll, or to drive or take his cattle or other stock more than one-half mile on any part of such road not adjoining or in front of his farm or garden;

- (j) Every person with a vehicle laden solely with manure brought from any city, town or village, and employed to carry such manure into the country parts for the purpose of agriculture, and the horses or other animals drawing such vehicles passing any toll-gate on such road within twenty miles of such city, town or village, as well in going from such city, town or village as in returning thereto if the vehicle is then empty; Vehicles laden with manure.
- (k) Every person with a vehicle laden solely with straw and carrying such straw from any township to any city, town or village for the purpose of exchanging the same for manure to be brought back the same day, and the horse or other animal drawing such vehicle passing any toll-gate on such road within twenty miles of such city, town or village, as well in going to such city, town or village as in returning therefrom if the vehicle is then laden solely with manure; Vehicles laden with straw.
- (l) Vehicles carrying the mails upon a road or bridge constructed by the Government or Board of Works of the late Provinces of Canada or Upper Canada and transferred to a company on condition that the mails should pass free over the same, except a mail stage or other vehicle drawn by two horses and carrying the mail and having more than four passengers, or a mail stage or other vehicle drawn by four horses and carrying the mail and having more than eight passengers; but every mail stage or vehicle drawn by two horses and containing more than four passengers, and every mail stage or vehicle drawn by four horses and containing or having more than eight passengers travelling thereby, shall for every extra passenger beyond four or eight respectively be liable at each gate to a toll of two cents. Mail carriages, etc., on certain roads. Exception limited on the roads last mentioned. Rate of toll if mail carriage has more than 4 or 8 passengers respectively. 2 Geo. V. c. 51, s. 2.

3. This Act shall not extend to any toll-bridge the tolls on which are vested in any person other than the Crown. Application of Act.
2 Geo. V. c. 51, s. 3.

CHAPTER 210.

An Act respecting Toll Roads.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Toll Roads Act*. 2 Geo. V. c. 50, s. 1.

PART I.

CONSTRUCTION AND OPERATION OF TOLL ROADS.

Interpretation.

2. In this Part,

"Inspector."

"Inspector" shall mean the Inspector of Toll Roads. 2 Geo. V. c. 50, s. 2.

APPLICATION OF PART I.

Application of Part I.

3. This Part shall apply to companies heretofore or hereafter incorporated for

- (a) Constructing on, along, or over any public road or highway, or allowance for road, or on, along, or over any other land a planked, macadamized, gravelled or other road not less than two miles in length, and also any bridges, piers, or wharfs connected therewith; or
- (b) Purchasing any such road and any bridges, piers or wharfs connected therewith. 2 Geo. V. c. 50, s. 3.

INCORPORATION OF ROAD COMPANIES.

Prerequisites to incorporation.
Subscription.

4.—(1) No company shall be incorporated until,

- (a) Shares have been subscribed for to an amount deemed sufficient to construct or purchase, as the case may be, the entire road and works for the construction or purchase of which the incorporation of the company is sought; and
- (b) The subscribers for shares, or some of them, have paid, on account of the shares subscribed for, ten per cent. of the entire amount of the proposed capital stock. 2 Geo. V. c. 50, s. 4.

Proportion paid in.

5. Except as hereinafter provided no company shall construct such road or other works through, over, along or upon any private property or property of the Crown without having first obtained the permission of the owner or occupier thereof or of the Lieutenant-Governor in Council, as the case may be. 2 Geo. V. c. 50, s. 5.

Taking
lands.

6. No road shall be constructed or pass within the limits of any city, town or village except by permission, under a by-law, of the city, town or village. 2 Geo. V. c. 50, s. 6.

Permission
of city, town
or village.

7. All bridges in the line of road between the termini of any road, which are not within the limits of any city, town or village, shall be deemed part of such road unless specially excepted in the charter of the company. 2 Geo. V. c. 50, s. 7.

Bridges.

8. No road shall be made of a higher grade than one foot elevation to twenty feet along the road without the sanction of the engineer of the county in which the road or other work is situate or constructed, and if there is no such officer then of an engineer appointed by the county council for that purpose. 2 Geo. V. c. 50, s. 8.

Grade.

9. If under any statute heretofore passed a company has been formed to construct any road, bridge, pier, or wharf connected therewith, and the stock of the company has been subscribed, and the work is in course of completion within the time limited by the statute under which the charter was obtained no company shall be incorporated for the construction of the road for the construction of which the prior charter was obtained so long as the charter remains in force. 2 Geo. V. c. 50, s. 9.

Existing
charters
saved.

10.—(1) No company shall commence any work until thirty days after the directors have served a written notice upon the head of the municipality within the jurisdiction of which the road or other work connected therewith is intended to pass.

Notice to
municipality
before com-
mencing work.

(2) If the council of such municipality passes a by-law prohibiting, varying or altering such intended line of road or the plan of such other work, the by-law shall have the same force and effect, and be as obligatory upon all persons and upon such company, if the company proceeds with the construction of the road or other works, as if the provisions thereof had been contained in this Act.

By-law pro-
hibiting
varying or
altering line.

(3) If no by-law is passed within thirty days after service of the notice the company may proceed with the intended road or other works. 2 Geo. V. c. 50, s. 10.

When com-
pany may
proceed.

When old road may be closed up by by-law.

11. Where a new road has been opened, or the line of an old road has been changed, the municipality having jurisdiction may pass a by-law stopping up the old road, or part of a road, and for conveying the same to the person or persons from whom land was taken to form the new road, if it does not exclude any person residing on or near the line of the old road from convenient access to the new road. 2 Geo. V. c. 50, s. 11.

Exploring country and taking land and material.

12. The company may explore the country lying between the termini of its road, or supposed to be adapted for the site of any other works connected with such road, and may designate, take and hold the requisite land upon the line and within the limits of such road, or for such other works, and may, for the purpose of the construction and repair of such road or other works, take and carry away stone, gravel, sand, earth and other like material, from any adjoining or neighbouring land, and may also cut, make and keep in repair, upon such adjoining or neighbouring land, such ditches, drains and water courses as are necessary for effectually draining or carrying off the water from such road or other works. 2 Geo. V. c. 50, s. 12.

Drainage.

Cutting down timber.

13. Where such road passes through or by any wood or standing timber the company may cut down the trees and underwood for one hundred feet on each side of the road, and, for that purpose, the company and their agents, servants and workmen may enter into and upon the land of any person, doing no unnecessary damage. 2 Geo. V. c. 50, s. 13.

Arbitration in default of agreement as to compensation.

14.—(1) If the owner or occupier of any land over, through or upon which the company desires to construct any such road or other works, or from which it desires to take material, or on which it intends to exercise any of the powers given to it by this Act, neglects or refuses, upon demand made by the company, to agree upon the price or amount of damages to be paid for or for passing through or over such land, and expropriating the same, or for material taken, or for the exercise of any such powers, the same shall be determined by arbitration.

Rev. Stat. c. 65. *As to appointment of arbitrators, see The Arbitration Act.*

Proceedings for arbitration where owner absent or unable to sell, or the lands are mortgaged, etc.

(2) If the land required by the company, or with regard to which such powers are to be exercised, is held or owned by any person whose residence is not within Ontario, or is unknown to the company, or if the title to the land is in dispute, or the land is mortgaged, or if the owner is unknown, or is from any cause incapable of treating for the sale thereof, or for the exercise of such power, or to appoint an arbitrator, the company may name one disinterested person and the Judge of the County or District Court of the county or dis-

trict within which the land lies, on the application of the company, may name another person from any township adjoining the township in which the land lies, who, together with one other such person to be chosen by them, before proceeding with the reference, or, in the event of their disagreeing as to the choice of such other person, to be appointed by the Judge, shall be arbitrators to determine the compensation.

(3) In ascertaining the amount of compensation, the arbitrators shall have regard to any special benefit to accrue to the owner or occupier by the construction of the road or other works. Benefit to owner to be allowed for.

(4) In other respects the provisions of section 166 of *The Ontario Companies Act* shall apply. 2 Geo. V. c. 50, s. 14; 3-4 Geo. V. c. 18, s. 36. Rev. Stat. c. 178.

15. The award, or a duplicate thereof, shall be registered in the proper registry office, and, if the compensation has been paid, the company may thereupon enter upon and take possession of the land for the use of the company and proceed with the construction of its road or other works in, along or over the same. 2 Geo. V. c. 50, s. 15. Registration of award. When company may proceed.

16. No road or other work shall encroach upon any building or pass through or upon any pleasure ground, garden, yard or orchard, nor shall any material be taken therefrom, nor shall any timber be taken from any enclosed land without the consent of the owner. 2 Geo. V. c. 50, s. 16. Gardens, orchards, etc., not to be encroached upon.

17. After a survey of a road has been made the owner or occupier of land through or along which the road is intended to pass shall not, by erecting any building or enclosing any part of such surveyed land as a yard or by planting fruit trees or forming an orchard thereon, prevent the company from taking possession of the land. 2 Geo. V. c. 50, s. 17. Owner not to enclose, in order to evade Act.

18.—(1) Where a company desires to widen, extend or alter the line of road as projected or constructed, or to construct a branch road to intersect the original main road, or to improve or repair a road or part thereof by substituting stone, gravel, plank or other suitable material, the company may, from time to time, but subject to the rights of any other company then incorporated under this or any other Act, by by-law provide for the widening, extending or altering of such line or road, or for the construction of such branch road and the making of such improvements and repairs. Widening or altering roads.

(2) The powers conferred by this section of widening, extending or altering the line of road, or of constructing a branch road, shall not be exercised without the consent of the council of the municipality within whose jurisdiction such powers are to be exercised. Consent of council.

Crossing
intersecting
road.

(3) This section shall not prevent the company from crossing an intersecting road of another company on such terms and conditions as, if the companies cannot agree, may be determined by the Lieutenant-Governor in Council. 2 Geo. V. c. 50, s. 18.

SALE OF ROADS.

Company's
right to sell
and municipal
corporation's
right to
purchase.

19. A company may sell to the corporation of a municipality through or along the boundary of which such road passes or in which its works are situate, and the corporation may purchase the stock of the company, or any part of such road or works, at a price to be agreed on; and the corporation may hold the same for the benefit of the municipality, and shall, after the purchase, stand in the place and stead of the company, and possess all such powers and authority as the company possessed and was entitled to exercise in respect to the road or part of road or other work purchased. 2 Geo. V. c. 50, s. 19.

Fund for the
purchase of
road,
how formed.

Idem.

20.—(1) The corporations of all municipalities through or along the boundaries of which a toll road passes shall set apart as a fund for the purchase of such road all taxes collected from the company and all dividends received on the stock of the same, owned by the corporation; and such corporations, and the corporations of all cities, towns and villages within three miles of the road may add to such fund from the other money of the corporation; and such fund may be invested from time to time in the stock of such company, or, where such road is not owned by a company, in purchasing a fixed interest therein.

Removal of
toll gates on
completion of
purchase of
stock.

(2) On the completion of the purchase of the whole of the stock of the company or of the road, and payment of any debt incurred therefor, or sooner, if the council of the municipality so decides, all toll gates shall be removed from such road. 2 Geo. V. c. 50, s. 20.

Rights passing
under sale.

21. When a road, bridge, pier or wharf has been heretofore or is hereafter sold, either by the company or under a power granted by it or under legal process against the company, the sale shall be deemed to have passed and to pass such road, bridge, pier or wharf to the purchaser with all the rights, privileges and appurtenances and subject to all the duties and obligations which the law gave or imposed with reference to the road, bridge, pier or wharf whilst the same was the property of the company. 2 Geo. V. c. 50, s. 21.

POWERS OF MUNICIPAL COUNCILS.

Municipality
acquiring
stock in
company.

22. A municipal corporation, having jurisdiction within the locality through or along the boundary of which a road passes or in which a work is constructed, may subscribe for, hold, sell and transfer shares in a company, and the council

may from time to time direct the head of the municipality, on behalf thereof, to subscribe for such shares in the name of the corporation, and to act for and on behalf of the corporation in all matters relating to such shares, and the exercise of the rights of the corporation as a shareholder and the head of the municipality, whether otherwise qualified or not, shall be deemed a shareholder in the company and may vote and act as such, subject to any rules and orders in relation to his authority made in that behalf by the by-laws of the council or otherwise, and may vote according to his discretion in cases not provided for by the council. 2 Geo. V. c. 50, s. 22.

23. The council may pay all instalments upon the shares subscribed for or acquired out of any money of the corporation not appropriated to any other purpose. 2 Geo. V. c. 50, s. 23. Municipality may raise money to pay for stock.

24. Where a municipal corporation holds shares in a company and is entitled to vote for the election of directors, and holds a controlling amount of the shares in the company, the council shall, by resolution, appoint such number of directors only as will suffice to form a majority of the board of directors, and every member of such council, whether a shareholder in his own right or not, and any ratepayer in the municipality not being a shareholder in his own right, shall be eligible to be appointed director on behalf of the corporation, and the shareholders, other than such corporation, shall elect the other directors. 2 Geo. V. c. 50, s. 24. Election of directors by municipalities controlling stock.

25.—(1) The council of any municipality, through or along the boundary of which a road passes or within which any works connected therewith are constructed, may, out of the money of the corporation and not appropriated to any other purpose, lend money to the company upon such terms and conditions as may be agreed on. Municipalities may loan money to companies.

(2) The corporation may issue debentures for raising the amount required for the loan in the same manner and subject to the same conditions as are applicable to the creation of a debt and the issue of debentures therefor. 2 Geo. V. c. 50, s. 25. And issue debentures.

26. The provisions of the last preceding four sections shall, as respects the corporations of cities and towns, apply to companies for the construction of roads or bridges whether within or without such cities or towns. 2 Geo. V. c. 50, s. 26. Application of the provisions of SECTs. 22-25, to councils of cities and towns.

MATERIALS.

27. Subject to the provisions of section 14 a company, or a municipal corporation having the management of a road, may acquire, expropriate and hold any gravel bed and stone Power to acquire gravel beds, etc.

or gravel from any land lying within any municipality through or along which the road or any portion thereof passes for repairing the same. 2 Geo. V. c. 50, s. 27.

Materials to
be used.

28. A company may form a turnpike road, in part or the whole, of metal, gravel, timber or any other material suitable for constructing a firm, substantial and smooth surface, whether or not the material is mentioned in the instrument of incorporation. 2 Geo. V. c. 50, s. 28.

Sowing
roadside with
grass and
keeping down
weeds.

29.—(1) Every company shall, whenever necessary, sow with grass seed all cleared land belonging to the company adjoining its road, and cause the same, so far as practicable, to be covered with grass or turf, and shall cause all thistles and other noxious weeds growing on the land to be kept cut down or rooted out.

Penalty.

(2) For every contravention of this section the company shall incur a penalty of \$2 for each day on which it fails to comply with any of the requirements of this section, within eight days after having been required to do so by a notice to be served on the company by or on behalf of the corporation of the municipality within which the land lies.

Powers of
corporation on
default.

(3) If the company does not, within eight days, comply with the notice the corporation may cause all such things to be done as the company was by the notice lawfully required to do, and the corporation may recover the expense of so doing, together with the penalty and all costs and charges, from the company in any Court of competent jurisdiction. 2 Geo. V. c. 50, s. 29.

TIME FOR COMPLETION OF ROAD.

Time for
completion
of work.

30.—(1) Every company shall, within two years from the day of its incorporation, complete every road or extension thereof, not more than five miles in length, and any other work undertaken by it and for the completion whereof it was incorporated, and, in default thereof, all its corporate powers shall thenceforth cease and determine, unless further time is granted by a by-law of the county in which the road, or the greatest portion thereof, is situate.

Where road
exceeds five
miles.

(2) If the road or extension thereof exceeds five miles in length the company shall complete in each and every year, after the expiration of such first two years, not less than five miles of the road until the same is entirely finished, and in default, unless further time is granted as provided by subsection 1, as far as concerns the portion of the road which remains unfinished, its corporate powers shall thenceforth cease and terminate. 2 Geo. V. c. 50, s. 30.

ABANDONMENT OF ROADS.

Abandonment
of whole
road.

31.—(1) A company may by by-law abandon the whole or, subject to subsection 5, any portion of its road.

(2) After the abandonment of a portion of such road the council of any municipality, within which the road or any part thereof lies, shall assume such abandoned portion as lies within the municipality, and shall have and may exercise the same jurisdiction over the same, and the corporation shall be liable to the same duties as it has or is subject to in respect to public roads.

Abandonment
in part.

Assumption
by council.

(3) The abandonment of the whole road shall be signified by the head or president of the company by a notice in writing, delivered to the clerk of the council of the county wherein the road or any part thereof lies; and, until the delivery of such notice, the company shall be liable for damages arising from the unsafe condition of the road, and after the abandonment the council of any county within which the road or any part thereof lies may assume such abandoned portion of the road as lies within the county, and the corporation of such county shall have and enjoy all the rights and be subject to all the responsibilities and liabilities as is provided in section 48.

Abandonment
of whole
road.

Assumption
by council.

(4) Failing such action on the part of the council of the county the road shall be subject to the same jurisdiction for the control and repair thereof as is provided in section 49.

Where road
not assumed
by council.

(5) A company shall not be entitled to abandon a part of its road without the consent, to be expressed by by-law, of the council of the municipality within which the portion of the road lies; nor shall any company or municipal corporation be entitled to collect tolls upon any remaining portion of the road less than five miles in length if the road originally exceeded that length. 2 Geo. V. c. 50, s. 31.

By-law of
Council
necessary to
of abandonment.

Tolls, when
not collect-
able.

TOLLS ON ROADS, ETC.

32. The company may from time to time fix, regulate and receive the tolls and charges to be paid by persons passing and repassing with horses and vehicles, and for cattle, swine, sheep and other animals driven upon, over and along the road of the company, or by persons passing over any bridge with such vehicles or animals, or using any work of the company. 2 Geo. V. c. 50, s. 32.

Tolls, how to
be fixed, paid
and levied.

33.—(1) When two or more miles of road have been completed, and have been approved in writing by the Inspector, tolls may be taken therefor, but tolls shall not be taken on any other work of the company until the same has been completed.

When tolls
may be
collected.

(2) The right to take tolls shall not be affected by the intervention, in the line of the road, of a bridge which is owned by or under the jurisdiction of a municipal corporation or of another company. 2 Geo. V. c. 50, s. 33.

Intervening
bridge not
to affect
right.

Limitation
of tolls.
Rev. Stat.
c. 209.

34.—(1) Subject to the provisions of *The Tolls Exemption Act*, and except as otherwise provided by this Part, tolls may be taken at each time of passing each gate upon the road for any portion of such road on either side or on both sides of the gate, not being more than five miles to the next gate, if any, and not exceeding five miles in the whole or for the whole of the road, if the length thereof does not exceed five miles and there is only one gate thereon, at the following rates per mile:

One horse
and vehicle.

(a) For every vehicle drawn by one horse or other animal and the horse or other animal drawing the same, one and one-half cents;

Two horses
and vehicle.

(b) For every vehicle drawn by two horses or other animals and the horses or other animals drawing the same, two cents;

Additional
horse.

(c) For every additional horse or other animal drawing such vehicle, one cent;

Horse with
or without
rider.
Head of
cattle.
Sheep.

(d) For every horse, with or without a rider, one cent;

(e) For each head of neat cattle, one cent;

(f) For every score, or less than a score, of sheep or swine, one cent;

Auto-
mobiles.

(g) For every automobile, locomobile or other vehicle propelled otherwise than by muscular power, excepting the cars of electric or steam railways and other motor vehicles running only on rails or tracks, three cents;

Thrashing
machine.

(h) For every thrashing or traction engine, and for every thrashing machine with or without its water-cart drawn by such engine or by horses or other animals, five cents;

Additional
charges.

(i) In addition to the foregoing rates one cent at each time of passing each gate for any portion of the road, on either side or both side thereof, for every five hundred pounds over and above six thousand pounds which a loaded vehicle weighs.

Special
rates for
short roads.

(2) On any toll road established on or before the 16th day of April, 1895, which is not less than two miles or more than three miles long, where one toll only is charged for using the whole length of the road, a charge of three cents for one horse or other animal and any vehicle drawn thereby may be made at each time of passing a gate, or five cents for passing and return on the same day, if required, and a charge of five cents may be made for a pair of horses or other animals and any vehicle drawn thereby at each time of passing a gate.

Fraction
of cent.

(3) If, in computing the toll to be paid, the computation results in a fraction of a cent such fraction shall be counted as a cent. 2 Geo. V. c. 50, s. 34.

35.—(1) Where a toll road is intersected by or connected with another toll road not owned or in the possession of the same company or municipal corporation the tolls to be charged upon either of such roads, from the point of intersection or connection, shall be based upon the mileage of the road from the point of intersection or connection to its termination in the direction in which the person liable for toll is proceeding, and shall be calculated at the rate per mile charged for travelling along the entire length of the road.

Tolls on intersecting roads not owned by same company.

(2) It shall be incumbent on such person to produce a ticket from the last toll-gate on the intersecting or connecting road as evidence of his having travelled only from the intersection or connection. 2 Geo. V. c. 50, s. 35.

Ticket for intersecting road.

36. A company, with the sanction of the council of the county having jurisdiction in the locality, may charge a higher rate of toll than is hereby authorized at any toll-gate erected at a bridge upon or connected with a road constructed by the company; and the council, in sanctioning such additional toll, may take into account the cost of the bridge, and may calculate the toll as if for so many additional miles of road as might have been constructed by the like expenditure. 2 Geo. V. c. 50, s. 36.

Higher rate for tolls at bridges with consent of county council.

37. A company may erect such number of toll-gates, check-gates and side-bars in, along or across the roads and upon any other of its works, and may fix, regulate and collect such tolls, not exceeding the rates hereinbefore provided to be collected at each gate, check-gate, or side-bar, as it may deem expedient, and may from time to time alter the tolls, toll-gates, check-gates and side-bars, and may erect and maintain such toll-houses, toll-gates, check-gates, side-bars and other buildings and erections as are necessary and convenient for the due management of the business of the company. 2 Geo. V. c. 50, s. 37.

Toll and check-gates, and side-bars.

38. Where a company deems it necessary or convenient to erect a check-gate on any part of its road it shall not be entitled to toll at both the check-gate and the gate to which it acts as a check; but tickets shall be issued at the check-gate, on payment of the toll demanded, clearing the principal gate, and *vice-versa*; and the distance regulating the rates of toll shall not be calculated between any of the check-gates and the principal gates, but only between the principal gates. 2 Geo. V. c. 50, s. 38.

Calculation of tolls where check-gates are used.

39. No gate-keeper shall be bound to give change for a larger amount than \$1. 2 Geo. V. c. 50, s. 41.

As to money change.

40. The company may, from time to time, commute the tolls with any person whose place of abode adjoins the roads

Commuting tolls with near residents.

or is within half a mile of the gate nearest to his place of abode on such road. 2 Geo. V. c. 50, s. 39.

Procedure to
obtain
commutation.

41.—(1) Any person desiring to commute for a fixed annual sum the tolls payable by him may give notice in writing to the company requiring it to commute the tolls payable at any toll gate or toll gates on the road, in respect of vehicles and animals owned by or in the possession of such person, at a gross amount per annum from the date at which the amount of the commutation shall be settled.

On failure
to agree.

(2) If such person and the company are unable to agree upon the amount to be paid the same shall, on the application of such person, be determined by the Judge sitting in the Division Court of any division into which any part of the road extends whose decision shall be final.

Notice of
application
to Judge.

(3) The person making application shall give at least ten days' written notice thereof to the company by leaving it with the person in charge of the toll gate, or one of the toll gates, in respect to which commutation is sought, and the notice shall state the name of the applicant, his place of abode, occupation and post-office address, and the time and place of the sittings of the Division Court at which the application will be made.

Summary
determination
of question.

(4) The Judge shall hear the parties and take evidence on oath, if required, and dispose of the matter in a summary way, and shall give his decision thereon in writing to such of the parties as shall apply for the same, and the costs of the proceedings shall be in the discretion of the Judge, who shall make such order in the premises as appears to him to be just.

(5) The Judge shall have regard to:—

Matters to
be considered
by Judge.

(a) An approximate estimate of the amount of toll paid by the applicant during the twelve months next preceding the application, and the probable travel for the twelve months succeeding the date of such decision;

Number of
animals, etc.

(b) The number of horses or other animals, and the number and nature of the vehicles owned or used by the applicant, in respect of which toll may be demanded;

Distance of
property
from gate.

(c) The distance from the gate or gates at which the property owned or occupied by the applicant is situate;

Cost of
travelled
portion.

(d) The cost of that portion of the road travelled over by the applicant and the benefits and advantages derived by him from the construction of such road; and

(e) Such other considerations as may be necessary to do justice in the premises. Other considerations.

(6) The commutation shall be based upon the mileage rates of toll authorized by this Act, and where the distance proposed to be travelled over by the applicant is less than the whole length of the road the amount of the commutation shall be based upon the actual distance which the applicant proposes to use, and he shall be entitled for such commutation rate to use any portion of the road that may be specified in the order. How commutation to be fixed.

(7) The order of the Judge shall continue in force from year to year at the same rate and until rescinded upon the application of either party after the expiration of one year from the date thereof. How long to be in force.

(8) If at any time during the currency of such order it is made to appear to the Judge that the actual user of the road by the person so commuting is so increased, or so decreased, as to render the sum fixed by such order manifestly unjust, either party may, by leave of the Judge, obtain a reconsideration of the order in the same manner as is herein provided for the original application, and, upon such reconsideration, the Judge may make such amended or other order as he deems just. Reconsideration of order of commutation.

(9) Upon the production of the order fixing the amount of the commutation, and on payment of the amount named in the order, or upon payment of the amount agreed upon, as the case may be, the company shall give to the person so commuting an annual ticket or pass for the toll-gate or toll-gates in respect of which commutation has been made, and, upon the production of such ticket or pass by the person named therein, or by his servants, or a member of his family, all vehicles, horses and other animals, in respect of which toll would otherwise be payable, if owned by or in the possession of the person commuting, shall, during the period for which commutation has been made, be permitted to pass through such gate or gates without payment of toll. Annual ticket or pass.

(10) Any person who fraudulently transfers such ticket or pass, or who uses or attempts to use the same so as to enable vehicles, horses, or other animals, other than those mentioned in this section, to pass through any toll-gate or over any toll-road without payment of toll, shall incur a penalty of not less than \$5 or more than \$20. Penalty for transferring pass, etc

(11) No order for commutation shall affect the right of the company to demand and enforce payment of the extra tolls authorized by clause (i) of section 34. 2 Geo. V. c. 50, s. 40. Extra tolls.

(As to exemption from toll, see *The Tolls Exemption Act, Rev. Stat. c. 209.*)

REPAIR OF ROAD AND COMPELLING REPAIRS.

Company to
keep road
in repair.

42. After a road or portion of a road, bridge, or other work has been completed and tolls have been established thereon the company shall keep the same in repair. 2 Geo. V. c. 50, s. 42.

Proceeding
to compel
repairs; In-
spector of
toll roads.

43.—(1) The Lieutenant-Governor in Council may, from time to time, designate an officer of the Public Works Department who shall be known as "The Inspector of Toll Roads."

Inspection at
request of
municipality
or ratepayers.

(2) It shall be the duty of the Inspector to inspect any roads on which tolls are taken, whenever requested so to do by resolution of the council of any municipality in which the road, or any part of it, is situate, or upon a requisition signed by at least twenty ratepayers residing within three miles of such road, or from time to time as he may deem necessary. 2 Geo. V. c. 50, s. 43.

Notice to
company by
inspector of
non-repair.

44.—(1) If, upon any such inspection, the Inspector is of the opinion that any such road, or portion thereof, is out of repair he shall notify the company by leaving a written notice at its office or place of business, if any, within the county wherein the road is situate, where the office or place of business is known to the Inspector, and, if not so known, then by leaving the notice with any of the keepers of the toll gates of the company.

Contents of.

(2) The notice shall state that the Inspector has inspected the road and found it out of repair, and shall specify the particular portion of it which he finds out of repair, and shall require the company to cause the same to be repaired within a time to be named in the notice, sufficient, in the opinion of the Inspector, for making the required repairs.

Examination
on expiration
of time.

(3) At the expiration of the time limited in the notice the Inspector shall again examine the road, and if he finds it repaired in a good and efficient manner he shall so certify it, if required by the company.

Allowance
of further
time.

(4) If he does not find it so repaired he may, in his discretion, by a permission in writing, allow further time for repairing without discontinuing the taking of tolls.

Suspension of
right to tolls.

(5) If he does not think proper to grant such permission, or, if having granted it, he does not find the road properly repaired at the expiration of the time limited in such permission, then, until such repairs are completed, neither the company nor municipal council, as the case may be, shall demand or take tolls at any gate upon the road where the whole road is reported to be out of repair, or where a portion of the road only is out of repair, for passing through the nearest toll-gates on either side of such portion, under the penalty mentioned in section 47, until the Inspector has again

examined the road and certified it to be in good and efficient repair.

(6) If, upon the inspection mentioned in subsection 1, any bridge, or any portion of the road, is, in the opinion of the Inspector, in such a condition as to be dangerous to public travel, and if the company fails or refuses to put such bridge or portion of the road in repair within such time as the Inspector allows, and after notice given as provided by subsections 1 and 2, the council of the municipality in which the bridge or road is situate may, with the consent and under the direction of the Inspector, cause such bridge or portion of the road to be repaired sufficiently to remove the cause of danger, and the company, until the Inspector otherwise directs, shall not collect tolls unless it has reimbursed the municipality for the outlay made in connection with such repair.

Repair of road or bridge by municipality on failure of company to do so.

(7) After the notice of the Inspector, and until the repairs have been completed, the company shall not, nor shall any person, destroy, take, remove, or carry away from the road any earth, stone, gravel, or other material forming any part of the road, or having been used in the construction of it, nor any toll-house, toll-gate, toll-bar, or any appendages thereto.

Materials not to be removed from road.

(8) The company, or any person, contravening any provision of subsection 7 shall incur the penalties mentioned in section 63, and the penalties when recovered shall be paid over to the treasurer of the municipality. 2 Geo. V. c. 50, s. 44.

Penalties.

45.—(1) The Inspector may make a special report to the Minister of Public Works that the road inspected by him is, as to the whole or as to a specified portion thereof, so much out of repair as, in his opinion, to justify an order for the cesser of the right to tolls, in respect to the whole or to the portion of the road specified.

Special report by Inspector.

(2) After service of a copy of the report on the company, in the manner provided for the service of the notice mentioned in subsections 1 and 2 of section 44, neither the company nor any person authorized by it shall demand or take tolls at any gate upon the road, where the whole road is reported to be out of repair, or where a portion of the road only is reported to be out of repair, for passing through the nearest toll-gates on either side of such portion, under the penalty mentioned in section 47, until the Inspector has again examined the road and certified it to be in good and efficient repair. 2 Geo. V. c. 50, s. 45.

Suspension of right to tolls after service of report.

46.—(1) In case of sudden damage to or the destruction of any portion of a road, or of a bridge or culvert, caused by freshet or fire, or if the directors desire to take down any

Partial want of repair.

bridge or culvert for the purpose of rebuilding the same, the Inspector, if the remaining portions of the road are in a suitable state of repair, shall allow a reasonable time for the repair of such portion of the road, or the erection or construction of such bridge or culvert, and shall give notice in writing to the company of the time so allowed; and the company may collect tolls during the time specified in the notice.

Temporary
passage.

(2) Where the company is entitled to take toll under the provisions of the next preceding subsection the company, within a time to be fixed by the Inspector, shall provide a temporary passage to enable any persons travelling over the road to safely pass the portion of road, bridge or culvert so out of repair or being taken down.

Neglect to
repair.

(3) If the company does not erect or construct such bridge or culvert, or repair such portion of the road, within the time specified in the notice, or does not provide such temporary passage the portion of the road so damaged, or whereon the bridge or culvert so damaged or destroyed existed, shall be deemed to be out of repair, and the Inspector shall thereupon give to the company a notice in the manner provided in section 44.

Suspension of
right to tolls.

(4) The notice shall state that the time fixed for the repair of the portion of the road, or of the bridge or culvert, or for the reconstruction of such bridge or culvert, or for the making of the temporary passage has expired, and that the repairs or reconstruction have not been completed, or that the temporary passage has not been made and that henceforth, until the repairs or reconstruction have been fully completed, the company shall not demand or take tolls at the gate or gates at or on either side of the portion or portions of the road, bridge or culvert so out of repair or being reconstructed, under the penalties imposed by the next succeeding section. 2 Geo. V. c. 50, s. 46.

Penalty for
taking toll
when the
road is out
of repair.

47. If, after the expiration of the time limited in the notice or permission referred to in section 44, or the notice referred to in the next preceding section, and before the required repairs have been completed, any person, acting as a keeper of such toll-gate, demand or takes toll or refuses to allow a person travelling to pass through the toll-gates without payment thereof he shall incur a penalty of not less than \$1 or more than \$4 for every such offence. 2 Geo. V. c. 50, s. 47.

ASSUMPTION OF ROAD BY COUNTY.

Assumption
by county
on expiration
of time fixed
for repair.

48. If the company permits or allows the road to remain out of repair for nine months after the time fixed by the Inspector for the repair of the same the company shall forfeit all right to the road, and the municipal council of the county, through which the road or any part thereof passes, may assume, and may enter upon and take possession of the

same, and exercise the same jurisdiction over it as the company was entitled to, and the council may repair the same in accordance with the notice of the Inspector; and, after the repairs have been made, may collect tolls thereon and shall possess and enjoy all the rights and powers and be subject to all the duties and requirements of this Act in reference to such road. 2 Geo. V. c. 50, s. 48.

49. If the council of the county does not, within the period of one month next after the expiration of such nine months, by by-law assume the road it shall become a public highway repairable as is provided by *The Municipal Act*. 2 Geo. V. c. 50, s. 49.

If not assumed by county to become a public highway.
Rev. Stat. c. 192.

50. Nothing in this Act shall authorize the Inspector to require alteration in the grades of a road or of the materials of which a bridge is constructed unless the bridge is otherwise out of repair, except so far as may be incidentally necessary in making repairs; but this section shall not relieve the company from any obligation in respect of grades. 2 Geo. V. c. 50, s. 50.

Alterations in grades.

ENFORCING REMOVAL OF SNOW.

51.—(1) Upon the written requisition made during the months of December, January, February or March by six freeholders residing within one mile of a road the engineer of the county shall inspect such road, and if he finds that, by reason of the accumulation of snow or ice thereon, the road has become so obstructed that persons cannot safely and conveniently travel thereon with horses and vehicles, and has been so obstructed for one week, he shall give notice to the company that until the snow is removed or levelled as required by such notice no toll shall be taken upon such road, or at the gates thereon specified in the notice; and thereafter no tolls shall be taken upon such road or at such gates until the engineer has given his certificate in writing that the snow has been so removed or levelled in compliance with his order.

Enforcing the levelling or removal of snow on toll roads.

Notice by engineer.

Suspension of tolls while snow unremoved.

(2) The engineer, after giving the notice, shall, when required in writing by the company, make an inspection of the road, and if he finds that his order has been complied with shall give the certificate mentioned in the next preceding subsection.

Engineer's certificate of removal.

(3) The notice may be served in the manner mentioned in section 44. 2 Geo. V. c. 50, s. 51.

Service of notice.

SALE OF ROADS UNDER EXECUTION.

52.—(1) The right and interest of a company in or to a road, or any part of it, may be sold under execution against the company.

The interests of companies may be sold under execution.

Payment to
municipal
corporation
for outlay.

(2) The purchaser at such sale may, at any time within two years from the time of the sale, reimburse and pay to the municipal corporation which has made any outlay for the repair and maintenance of the road or the part so purchased the amount expended by it; and thereupon the head of the council of such municipality shall give to the purchaser a certificate to that effect under his hand and the seal of the corporation.

Right to
collect tolls
vested in
purchaser.

(3) Upon the registration of the certificate in the proper registry or land titles office the road, or the part so purchased, shall become vested in and be the property of the purchaser, and the provisions of sections 48 and 49 shall thenceforth cease to apply to or in respect of the road, or the part so purchased, and the purchaser shall have the same right to collect tolls and all such other rights and privileges and be subject to the same duties and obligations in respect to the road, or the part so purchased, as if the sale had taken place before the right to collect tolls had been suspended.

Forfeiture to
municipality.

(4) Unless the purchaser, within twelve months after he has paid to the municipal corporation the amount of the outlay, causes the road, or such portion as is out of repair, to be put in a proper state of repair, and procures the certificate of the Inspector that the same has been done, and thereafter keeps the road, and every portion thereof, in a proper state of repair, the purchaser shall forfeit his property in the road, or in the part thereof so purchased by him, and the same shall again become vested in the corporation of the municipality or municipalities as if this section had not been enacted. 2 Geo. V. c. 50, s. 52.

Application
of s. 52.

53. The next preceding section shall apply to all roads, or portions of roads, the outlay upon which was, before the 29th day of March, 1873, reimbursed and paid to the municipal corporation, as provided in subsection 2 of section 52. 2 Geo. V. c. 50, s. 53.

Obligation of
purchasers to
keep roads
in repair.

54. Any purchaser of a road, or any portion of a road, who has heretofore reimbursed and paid to any municipal corporation the amount of outlay, as provided by the Acts heretofore in force, and has complied with the provisions thereof, shall keep the road, and every portion thereof, in a proper state of repair, and, in case of failure to do so, shall forfeit his property in the road, or in the portion thereof so purchased by him, and the same shall again become vested in the corporation of the municipality or municipalities as if this section had not been enacted. 2 Geo. V. c. 50, s. 54.

OFFENCES AND PENALTIES.

Red light on
gates when
closed.

55. Every owner, lessee, or person having control of any road or bridge upon which tolls are collected shall cause a bright red light to be displayed upon every gate or toll bar on such road whenever the gate or bar is closed, between sun-

set and sunrise, and in default shall be liable for the damages sustained by any person by reason of such default, and shall also incur a penalty of not less than \$5 and not more than \$20 for every such offence. 2 Geo. V. c. 50, s. 55.

Liability.

Penalty.

56.—(1) Any lessce or collector of tolls who takes a greater toll than is authorized by law shall, for every such offence, incur a penalty of \$20.

Penalty for taking more than the proper toll.

(2) The penalty shall be payable to the complainant if he is the person from whom excessive toll was taken, and where he is not the person from whom excessive toll was taken one-half of the penalty shall be payable to the complainant and one-half to such person. 2 Geo. V. c. 50, s. 56.

Application of penalty.

57. If any person, not exempted by law from paying toll, wilfully passes, or attempts to pass, any toll-gate, check-gate or side-bar lawfully established without first paying the legal toll he shall incur a penalty not exceeding \$20. 2 Geo. V. c. 50, s. 57.

Penalty for passing or attempting to pass gates, etc., without payment of toll.

58.—(1) If any person, subject or liable to the payment of any toll, neglects or refuses, after demand thereof, to pay the same the person authorized to collect such toll may by himself, or taking such assistants as he thinks necessary, seize or distrain any horse, cattle, vehicle, or other thing in respect of which such toll is payable, together with their respective bridles, saddles, gear, harness or accoutrements, (except the bridle or reins of any horse or other animal separate from such horse or animal) or any vehicle in respect of the horses or animals drawing the vehicle on which such toll is payable, or any of the goods and chattels of the person so required to pay.

Mode of enforcing payment of tolls in case of refusal to pay.

Seizure.

(2) If the toll and the reasonable charges of such seizure and distress are not paid within four days after such seizure and distress the person so seizing and distraining, after having given four days' public notice thereof, may sell the horse, animal, cattle, vehicle and things so seized and distrained, or a sufficient part thereof, returning to the owner, upon demand, the overplus, if any, and what remains unsold after such tolls and the reasonable charges occasioned by the seizure, distress and sale have been deducted. 2 Geo. V. c. 50, s. 58.

Sale in default of payment.

59. Any person who, after proceeding on a road with any vehicle or animal in respect of which toll is payable, turns out of the road for the purpose of avoiding the payment of toll and enters upon the road beyond any of the gates or check-gates by crossing the road or otherwise without paying toll, whereby the payment of toll is evaded, shall for every such offence incur a penalty of \$4. 2 Geo. V. c. 50, s. 59.

Penalty on persons using a road and turning off the same in order to avoid payment of toll.

Owner allow-
ing persons
to evade tolls
by passing
over his
lands.

60. Any person who, with intent to aid in the evasion of the payment of toll, knowingly permits or suffers any other person proceeding on a road to pass through any land adjoining such road and occupied by such first mentioned person, or through any gate thereon with any vehicle or animal in respect of which toll is payable, for the purpose of enabling the person so proceeding on such road to pass through such land and to enter upon such road beyond any of the gates or check-gates and to proceed thereon without paying toll, and thereby evade payment of the toll, shall incur a penalty of \$4. 2 Geo. V. c. 50, s. 60.

Penalty on
persons leav-
ing horses,
etc., on the
road so as to
avoid payment
of toll.

61. Any person who leaves upon a road any vehicle or animal by reason whereof the payment of any toll is evaded or lessened, or takes off any animal from any vehicle, either before or after having passed through any toll-gate, or, after having passed through any toll-gate, adds or puts any animal to any such vehicle and draws therewith upon any part of any such road so as to increase the number of animals drawing the vehicle after the same has passed through such toll-gate, whereby the payment of all or any of the tolls has been evaded, shall incur a penalty of \$4. 2 Geo. V. c. 50, s. 61.

Penalty on
persons
falsely
claiming
exemption.

62. Any person who falsely represents himself to any toll-collector or gate-keeper as being entitled to any exemption mentioned in this or any other Act, or evades the payment of toll by any false representation or other fraudulent act, shall incur a penalty of \$4. 2 Geo. V. c. 50, s. 62.

63. Any person who—

Penalty on
persons re-
moving ma-
terials used in
constructing
road.

(a) Removes any earth, stone, timber or other material, used, or intended to be used, in or upon any road for the construction, maintenance or repair thereof; or

Or driving
off the metal
and on the
soft part of
the road.

(b) Drives any loaded vehicle upon that part of any road, constructed under this or any former Act, between the stones, or hard road and the ditch, further than may be necessary in passing another vehicle, or in turning off or upon such road; or

Damaging
bridges, etc.

(c) Causes any injury or damage to be done to the bridges, culverts, posts, rails or fences; or

Hauling
timber, etc.,
so as to injure
the road.

(d) Hauls or draws upon any part of any such road any timber, stone or other thing carried principally or in part upon a vehicle so as to drag or trail upon such road to the prejudice thereof; or

Leaving any
carriages on
the road.

(e) Leaves any vehicle upon such road without some proper person in the custody or care thereof longer than is necessary to load and unload the same, except in case of accident, and in cases of accident for any longer time than is necessary to remove the same; or

- (f) Places any timber, stones, rubbish or other thing upon the road to the prejudice, interruption or danger of any person travelling thereon; or Laying timber, stones, rubbish.
- (g) Having blocked or stopped any vehicle in going up a hill or rising ground causes or suffers to remain on such road any stone or other thing with which such vehicle was blocked or stopped; or Leaving stones in the road used to block carriage.
- (h) Pulls down, damages, injures or destroys any lamp or lamp-post erected or placed in or near the side of such road, or any toll-house erected on such road, or wilfully extinguishes the light of any such lamp; or Injuring lamp posts, etc.
- (i) Wilfully pulls down, breaks, injures or damages any table of tolls put or fixed at any gate, check-gate or bar on any part of such road, or any sign-board erected upon any road or bridge; or Damaging table of tolls, etc.
- (k) Wilfully or designedly defaces or obliterates any of the letters, figures or marks thereon or on any finger post or mile post or stone; or Defacing mile posts, etc.
- (l) Throws any earth, rubbish or any other matter or thing into any drain, ditch, culvert, or water-course made for draining any such road; or Throwing rubbish into drains.
- (m) Without permission carries away any stones, gravel, sand or other materials, dirt or soil, from any part of such road, or digs any holes or ditches on the allowance for the same; or Carrying away any stones, gravel, etc.
- (n) Allows any swine to run at large to the injury of the road; or Allowing swine to run at large.

shall incur a penalty of not less than \$1 nor more than \$10, and shall in addition be liable for the damages sustained by the company for any such act. 2 Geo. V. c. 50, s. 63.

64.—(1) No company, or contractor, or sub-contractor, and no person employed by them or any of them, shall leave or place upon the graded part of any road, whether it is or is not macadamized or gravelled, any stone, gravel, timber or other material so as to prevent the public from using or to impede the free use of the whole of such graded portion of the road. Company's duty not to impede the free use of the whole graded portion of the road.

(2) For every contravention of this section such company, contractor or sub-contractor, or other person shall incur a penalty of not less than \$1 nor more than \$20, and shall in addition be liable for the damages sustained by any person by such act. 2 Geo. V. c. 50, s. 64. Penalties.

65. The penalties imposed under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*, and unless otherwise provided, shall, when recovered, be paid to the company. 2 Geo. V. c. 50, s. 65. Recovery of penalties. Application. Rev. Stat. c. 90.

Limitation of actions.

66. No action shall be brought for any thing done in pursuance of this Act unless such action is brought within six months next after the fact committed. 2 Geo. V. c. 50, s. 66.

MISCELLANEOUS.

Annual report to Minister and to county council.

67.—(1) Every company, in the month of January in each year, shall report to the Minister of Public Works, and also to the municipal council of the county having jurisdiction within the locality through or along the boundary of which the road passes, or wherein the other work has been constructed—

Cost of road.

(a) The cost of the road or work;

Amount expended.

(b) The amount of all money expended;

Capital stock.

(c) The amount of the capital stock and how much paid in;

Tolls expended.

(d) The whole amount of tolls expended on the road or work;

Receipts.

(e) The amount received during the year from tolls and all other sources, stating each separately;

Dividends.

(f) The amount of dividends paid;

Repairs.

(g) The amount expended for repairs; and

Debts.

(h) The amount of debts due by the company, specifying the object for which such debts were incurred.

Verification of.

(2) The return required by this section shall be verified by a statutory declaration of one of the directors of the company.

Penalty.

(3) A company which contravenes the provisions of this section shall incur a penalty of \$50 for each contravention, and an additional penalty of \$25 for each month during which the company neglects to make such return, recoverable by the Treasurer of Ontario by action in any court of competent jurisdiction. 2 Geo. V. c. 50, s. 67.

Books of account.

68.—(1) Every company shall keep regular books of account in which shall be entered a correct statement of the assets, receipts and disbursements of the company.

Inspection.

(2) Such books shall at all times be open to the inspection of the Inspector and of any person appointed for that purpose by the council of the municipality in which the road or part thereof is situate.

Duty to afford information.

(3) The Inspector, and every person so appointed, may take copies of or extracts from the books, and may require from the keeper of such books, and also from the president and each of the directors of the company, and from all the other officers and servants thereof, all such information as to

such books and the affairs of the company generally as he may deem necessary for the full and satisfactory investigation into and report upon the affairs of the company. 2 Geo. V. c. 50, s. 68.

69. The council of a municipality through which a road runs, or the owner of any land lying adjacent to the road, may set out shade and ornamental trees along the side of the road in the same manner and with the same rights as if the road were an ordinary highway. 2 Geo. V. c. 50, s. 69.

70. The council of a municipality through which the road runs, or any person, by the permission and direction of the council, may grade, level, cut down or fill up the land along the side of the road, and may construct sidewalks thereon as if the road were an ordinary road or street. 2 Geo. V. c. 50, s. 70.

71. The council of a municipality through which any road runs, may, without being liable to make compensation to the company, make stone, wood or other crossings on the road, and may dig up the road for the purpose of making sewers, and may construct water courses across or along the side of the road, and culverts and approaches over water courses or ditches crossing or along the side of the road from streets, lanes or buildings, and may raise or lower the road or change the grade thereof when necessary to connect with other roads or streets, and shall have all other rights and privileges with regard to side-walks, culverts and approaches to the road as if the same were an ordinary highway or street; but the council shall in every such case, without unnecessary delay, replace the road in as good condition as it was before such work was undertaken. 2 Geo. V. c. 50, s. 71.

(As to obligation of municipality to repair crossings, etc., see section 461 of The Municipal Act, Rev. Stat. c. 192.)

72. The last preceding three sections of this Act shall apply to, and be held binding on, any lessee or any owners of such road, whether a joint stock company or otherwise. 2 Geo. V. c. 50, s. 72.

73.—(1) The provisions contained in section 10 to 18, 19, 22 to 26, 28 to 30, and 33 to 68 shall extend and apply to all road companies, and to all toll roads whereon tolls are levied and collected, whether such roads may have been constructed under this Act or under any former general Act relating to joint stock road companies or have been constructed by or belong to the corporation of any county, and to all toll roads which may have been purchased from the Government of the late Province of Canada and are owned or held by private companies or municipal councils, and also to all

toll roads owned, leased, held or in the possession of any person or persons.

Provisions applicable to company with special charter.

(2) The provisions contained in sections 12 to 18, 19, 22, 28, 32, 33, 37 to 41, and 42 to 68, and this provision, shall extend to road companies having any special charters, but no other sections of this Act shall apply to such companies. 2 Geo. V. c. 50, s. 73.

Bridges over 20 feet to be approved by Minister.

74. No new bridge over twenty feet in length shall be erected upon any road until the plans and specifications for such class of bridge shall have been approved by the Minister of Public Works. 2 Geo. V. c. 50, s. 74.

PART II.

PURCHASE AND EXPROPRIATION.

Interpretation.

75. In this Part,

"Owner"

(a) "Owner" shall include any person, company or municipal corporation having any legal, equitable or other estate or interest in a toll road;

"Road"

(b) "Road" shall mean a toll road, and shall include any land or easement in any land and any toll house or other building thereon used for the purposes of the road, and the franchise of the owner of the road and any bridge, pier or wharf connected therewith. 2 Geo. V. c. 50, s. 75.

Where road wholly in township, or in one or more local municipalities in same county.

76. Where a road lies wholly within a township the council of the township, and where a road lies wholly within one or more local municipalities in the same county, the council of the county may pass a by law for the purchase or expropriation of the road, and if the council and the owner of the road are unable to agree as to the price or compensation to be paid for the road the same shall be determined by arbitration under *The Municipal Act*. 2 Geo. V. c. 50, s. 76.

Rev. Stat. c. 192.

Where road in different counties or where some municipality specially interested.

77.—(1) Where a road lies partly in one or more local municipalities in a county and partly in a city, separated town, or in one or more local municipalities in another county, or where a road lies wholly within the county and a city or separated town therein or a city, separated town or township in an adjoining county is by reason of heavy travel over the road thereto or therefrom interested in the purchase of the road and the abolition of the tolls, the council of the first mentioned county may pass a by-law for the purchase or expropriation of such road, and if the council of the initiating county and the owner of the road are unable to agree as to the prices or compensation to be paid therefor the same shall be determined by arbitration under *The Municipal Act*.

Rev. Stat. c. 192.

(2) Where the council of the initiating county and the council of the city, separated town or township or other county are unable to agree as to the proportions of the price or compensation to be paid by them respectively the same shall be determined by arbitration under *The Municipal Act*. Arbitration as to proportions of purchase money. Rev. Stat. c. 192.

(3) If, in the case of the acquisition of a road lying wholly within the initiating county, the arbitrators are of the opinion that the city, separated town or township is not interested in the purchase of the road and the abolition of the tolls they shall not award that any part of the price or compensation be paid by the corporation of the city, separated town or township. Where compensation is not to be awarded. 2 Geo. V. c. 50, s. 77.

78. If the owner of the road is a corporation it may, with the consent of a general meeting of the shareholders called for the purpose, agree with the council as to the price to be paid for the road and the terms of payment, or appoint an arbitrator to determine the compensation to be paid. Where owner a corporation. 2 Geo. V. c. 50, s. 78.

79. In the case of expropriation, except as herein otherwise provided, the provisions of *The Municipal Act* as to compensation for lands taken or injured shall apply. Compensation, how determined. 2 Geo. V. c. 50, s. 79.

80. In the cases provided for by section 76, if the road is not taken and paid for within one year after the publication of the award, the expropriating by-law shall be deemed to be repealed, and the corporation, by the council of which it was passed, shall pay to the owner of the road his costs of and incidental to the arbitration and award, including the arbitrators' fees, if they have been paid by him. Limitation of time for purchase, under s. 76. 2 Geo. V. c. 50, s. 80.

81. In the cases provided for by section 77 if the council of the initiating county, within one year after the publication of the award, elect that the road shall not be taken the corporation shall pay to the owner of the road his costs of and incidental to the arbitration and award, including the arbitrators' fees, if they have been paid by him. Limitation of time for purchase, under s. 77. 2 Geo. V. c. 50, s. 81.

82. The council of a corporation which has purchased or expropriated a road, under the provisions of sections 76 or 77, may pass a by-law for borrowing the amount required to pay the purchase or compensation money for any period not exceeding 30 years, and it shall not be necessary that the by-law shall be submitted for or receive the assent of the electors. Power of purchasing municipality to borrow for purchase money. 2 Geo. V. c. 50, s. 82.

Power of
initiating
county
and other
municipalities
to borrow
purchase
money.

83. The council of the initiating county and of the city, separated town, township or other county, in case the road has been purchased or expropriated under the provisions of subsection 1 of section 77, may respectively pass by-laws for borrowing the amount required to pay the corporation's share of the purchase or compensation money for any period not exceeding 30 years, and it shall not be necessary that any such by-law shall be submitted for or receive the assent of the electors. 2 Geo. V. c. 50, s. 83.

Bonus to local
municipality
not materially
or only slightly
benefited.

84. Where the corporation of a county which has purchased or expropriated a road under the provisions of this Part, or which is liable, under the provisions of section 77, to pay a part of the purchase or compensation money to be paid for a road purchased or expropriated under the provisions of that section, is of opinion that any local municipality in the county is not materially or is only slightly benefited by the acquisition of the road or the abolition of the tolls thereon, the corporation of the county may pay to the corporation of such local municipality such sum by way of bonus as the council may deem sufficient to equalize the burden imposed on it by the acquisition of the road, or in the alternative where the road is situated in but one or in a small number of the municipalities in the county, or where some of the municipalities are not, in the opinion of the council, interested in the acquisition of the road or the abolition of the tolls thereon, such council may by the by-law apportion the indebtedness to be created by the by-law between the local municipalities in the county as the council may deem just, and may provide that the portion of the indebtedness to be borne by each of the municipalities, as so apportioned, and the interest thereon, shall be provided for by a special rate on the rateable property in such municipality, or the council may, in its discretion, equalize the burden by granting a bonus to any such municipality as the council may deem best. 2 Geo. V. c. 50, s. 84.

How bonus
to be
provided.

85. Where the council determines to grant a bonus to a municipality under the provisions of the next preceding section the council may provide that the amount of the bonus shall be added to the sum to be borrowed to pay the purchase or compensation money or the portion of it which the county is to pay in the cases provided for by section 83. 2 Geo. V. c. 50, s. 85.

Statement of
amounts to be
levied.

86. The clerk of the county council shall, on or before the 31st day of December in each year, transmit to the clerk of each local municipality a written statement of the amount to be levied by it during the next ensuing year for the purpose of providing the amount necessary to meet the annual payments provided for by the by-law, and the council of such municipality shall levy the amount accordingly and

pay over the same when collected to the treasurer of the county. 2 Geo. V. c. 50, s. 86.

ABOLITION OF TOLLS.

87. Subject to the provisions of the next following section where a road is acquired by a corporation, under the provisions of this Part, the road shall thereafter be free of toll and shall be a common and public highway, and shall be kept in repair by the corporation. 2 Geo. V. c. 50, s. 87. Generally.

88. The council of the county or of the township, which has acquired the road, may defer the abolition of tolls for a period of not more than ten years, and may, during that time, apply the proceeds of the tolls towards the payment of the debentures issued under the authority of this Part, and in the case of a township the road shall be kept in repair by the corporation of the township, and in the case of a county shall be kept in repair by the local municipalities in the county in which the road is situate, or by such of them as the council of the county shall, by by-law, determine and prescribe. 2 Geo. V. c. 50, s. 88. Deferring abolition for not more than ten years.

89. Where a road is owned by the corporation of a township within which it is situate the council of the township shall, within three months after the receipt of a petition, signed by 50 municipal electors, requiring it so to do, pass a by-law fixing a date not later than ten years from the passing of the by-law, upon which the collection of tolls shall cease. 2 Geo. V. c. 50, s. 89. By-law to fix date for abolition of tolls.

90. The council may, before the passing of the by-law, submit it, or the question of passing such a by-law, for the assent of the electors, and, if their assent is not obtained, the council shall not be bound to pass the by-law. 2 Geo. V. c. 50, s. 90. Assent of electors.

91. Where a by-law has been passed, under the provisions of the next preceding two sections, all tolls thereafter collected shall be paid over monthly to the treasurer of the municipality, and shall be applied to the maintenance of roads within the municipality as the council may by by-law direct. 2 Geo. V. c. 50, s. 91. Collection and application of tolls meanwhile.

92.—(1) When a road has been acquired by a county, under the provisions of this Part, and the tolls thereon have been removed, tolls shall not be collected from any part of the road which lies within the limits of a city or separated town, and thereafter the road, so far as it lies within the county, shall be under the jurisdiction of the county council within the meaning of *The Municipal Act*. Cesser of tolls on part within city or separated town. Rev. Stat. c. 192.

Right of
local munici-
pality to
acquire any
part of road
within or
adjoining
same.

(2) The corporation of any town, not separated from the county, township or village within the county may, with the consent of the corporation of the county, purchase, take over or otherwise acquire such road or the part of it lying within or adjoining such town, township or village, and may provide for the payment of the purchase money out of the general funds of the corporation; and the road so acquired shall be a common and public highway and shall be kept in repair by the corporation of the municipality by which it is acquired. 2 Geo. V. c. 50, s. 92.

CHAPTER 211.

An Act respecting Snow Fences.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Snow Fences Act*. 2 Geo. Short title.
V. c. 52, s. 1.

2.—(1) The council of every township, city, town and village may pass by-laws requiring the owners or occupiers of land bordering upon a public highway to take down, alter or remove any fence which causes an accumulation of snow or drift so as to impede or obstruct travel. Powers of councils to require removal of fences.

(2) The council shall make such compensation to the owners or occupants for the taking down, alteration or removal of such fence and for the construction in lieu thereof of some other description of fence, approved of by the council, as may be mutually agreed upon; and in default of agreement the compensation shall be determined by arbitration, and three fence-viewers appointed by the council shall be the arbitrators. 2 Geo. V. c. 52, s. 2. Making compensation therefor.

3.—(1) If the owner or occupant refuses or neglects to take down, alter or remove the fence as required by the council, the council, after the expiration of two months from the time the compensation has been agreed upon or determined by arbitration, may take down, alter or remove such fence, and may construct the fence which has been approved of by the council, and the amount of all costs and charges thereby incurred by the council, over and above the amount of compensation, may be recovered from such owner or occupant by action in any Division Court having jurisdiction in the locality, and the amount of the judgment, if not sooner paid, shall be placed by the clerk of the municipality upon the collector's roll against the land upon or along the boundaries of which the fence is situate, and shall be collected as other taxes. Power in case of neglect or refusal by owner or occupant.

(2) Where an occupant, other than the owner, is required to pay such sum, or any part thereof, he may deduct it, and any costs paid by him, from the rent payable by him, or may otherwise recover the same unless he has agreed with the landlord to pay it. Right of occupant to deduct amount paid from rent.

(3) The arbitrators shall examine the premises and shall, if required, hear evidence. Duties of arbitrators.

Fees.

(4) The arbitrators shall be entitled to \$2 a day, which shall be paid by the corporation of the municipality if the amount of the award exceeds the amount offered by the corporation, otherwise by the owner or occupant.

Appeal.

(5) The award shall be filed in the office of the clerk of the municipality, and an appeal shall lie therefrom to the Judge of the County or District Court of the County or District.

Rev. Stat.
c. 259
to apply.

(6) The provisions of *The Line Fences Act* shall *mutatis mutandis* apply to such appeal. 2 Geo. V. c. 52, s. 3.

Power to
enter on
lands.

4.—(1) Every such council may, on and after the 15th day of November in each year, enter into and upon any lands of His Majesty, or of any corporation or person, situate within the municipality and lying along any public highway in or adjoining any such municipality, and may erect and maintain snow fences thereon, subject to the payment of such damages, if any, as may be suffered by the owner or occupant of the land so entered upon, the amount thereof to be ascertained, if not mutually agreed upon, by arbitration as provided in section 2.

Removal.

(2) The snow fences so erected shall be removed on or before the first day of April following. 2 Geo. V. c. 52, s. 4.

CHAPTER 212.

An Act to authorize and regulate the use of Traction Engines on Highways.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Traction Engines Act*. Short title.
2 Geo. V. c. 53, s. 1.

2. Traction engines, not exceeding twenty tons in weight, Limit of weight may be used upon any highway subject to the provisions hereinafter contained. 2 Geo. V. c. 53, s. 2.

GENERAL CONDITIONS.

3. The speed of a traction engine shall at no time, in cities, Speed. towns and villages, exceed the rate of three miles an hour, or elsewhere the rate of six miles an hour. 2 Geo. V. c. 53, s. 3.

4. The width of the driving wheels of all such engines width of wheels. shall be at least twelve inches, and the wheels of the trucks or waggon drawn thereby shall be at least four inches in width for the first two tons capacity, load and weight of truck included, and at least an additional half inch for each additional ton. 2 Geo. V. c. 53, s. 4.

(*Note.—As to other precautions to be taken when travelling on highways see The Highway Travel Act, Rev. Stat. c. 206.*)

(*As to the right of cities and towns to prohibit the use of traction engines on certain streets see The Municipal Act, Rev. Stat. c. 192, s. 400, par. 49.*)

BRIDGES TO BE STRENGTHENED.

5.—(1) Before it shall be lawful to run such engine over any highway whereon no tolls are levied the person proposing to run the same shall, at his own expense, strengthen all bridges and culverts to be crossed by such engine, and keep the same in repair so long as the highway is so used. Strengthening bridges, etc.

(2) The cost of such repairs shall be borne by the owners of different engines in proportion to the number of engines Owners of different engines to contribute. run over such bridges or culverts.

Certain
threshing
engines not
affected.

(3) The two preceding subsections shall not apply to engines of less than ten tons in weight used for threshing purposes or for machinery for the construction of roadways.

Planks to be
laid on surface
of bridge.

(4) Before crossing any such bridge or culvert the person proposing to run any traction engine shall lay down on such bridge or culvert planks of sufficient width and thickness to fully protect the flooring or surface of such bridge or culvert from any injury that might otherwise result thereto from the contact of the wheels of such engine; and in default thereof the person in charge and his employer, if any, shall be liable to the corporation of the municipality for all damage resulting to the flooring or surface of such bridge or culvert. 2 Geo. V. c. 53, s. 5.

SPECIAL PROVISIONS AS TO TOLL ROADS.

Notice before
use of roads.

6. Before any traction engine is run over a toll road the person proposing to run the same shall leave a notice in writing to that effect with the keeper of any tollgate on such road at least two months previous to the running of such engine, and the notice shall also contain a correct statement of the weight of the heaviest engine proposed to be used. 2 Geo. V. c. 53, s. 6.

Strengthening
bridges, etc.

7. The owner of such toll road, within two months after the delivery of such notice and upon receiving security for the cost of the improvements required, may cause all bridges and culverts upon the road to be so strengthened as, in the opinion of the Inspector of Toll Roads, will render them safe for the constant passing of such engines. 2 Geo. V. c. 53, s. 7.

Rights of
owners of
engines on
default.

8.—(1) If the owner of such toll road neglects or refuses to comply with the requirements of the next preceding section the person proposing to run such engine may do the necessary work at his own expense, and his outlay shall be repaid to him by the remission of tolls upon the passage of his engines, trucks and waggons through the gates upon such road until the whole of such outlay is repaid.

Approved by
Inspector.

(2) The work shall be performed to the satisfaction of the Inspector of Toll Roads. 2 Geo. V. c. 53, s. 8.

Tolls.

9. The owner of such toll road may levy such tolls as may be imposed by him upon the passage of any engine, truck or waggon through every lawful gate; and if the owner of the engine is dissatisfied with the rate of toll the same shall be determined by the Inspector of Toll Roads. 2 Geo. V. c. 53, s. 9.

Collection
of tolls.

10. The owner of the road may enforce the payment of such tolls in the manner provided by law for the collection of ordinary tolls upon such road. 2 Geo. V. c. 53, s. 10.

PENALTIES.

11. Every person who contravenes any of the provisions of this Act shall incur a penalty of not less than \$5 or more than \$25, recoverable under *The Ontario Summary Convictions Act*. 2 Geo. V. c. 53, s. 11. Penalty for contravening Act. Rev. Stat. c. 40

12. The penalties when collected shall be paid over to the treasurer of the local municipality in which the offence was committed. 2 Geo. V. c. 53, s. 12. Application of penalties.

13. No penalty or imprisonment shall be a bar to the recovery of damages by an injured person. 2 Geo. V. c. 53, s. 13. Right to damages reserved.

CHAPTER 213.

An Act to encourage the Planting and Growing of Trees.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Tree Planting Act*.
3-4 Geo. V. c. 53, s. 1.

Planting trees
on highways,
etc.

2.—(1) The owner of land adjacent to a highway, lane, alley, place or square may plant trees on the portion thereof contiguous to his land; but no tree shall be so planted that the same is or may become a nuisance or obstruct the reasonable use of a highway or other public thoroughfare.

Property in
trees planted
by owners.

(2) Every tree so planted shall be the property of the owner of the land adjacent to such highway, lane, alley, place or square and nearest to such tree.

Trees on
boundary
lines.

(3) An owner of land may, with the consent of the owner of the adjoining land, plant trees on the boundary between such lands, and every such tree so planted shall be the common property of such owners.

Property in
shade and or-
namental
trees.

(4) Every growing tree, shrub or sapling planted or left standing on either side of a highway for the purposes of shade or ornament shall be the property of the owner of the land adjacent to the highway and nearest to such tree, shrub or sapling. 3-4 Geo. V. c. 53, s. 2.

Municipal
by-laws for
granting tree
bonuses.

3.—(1) The council of any municipality may pass a by-law for paying a bonus not exceeding twenty-five cents for every ash, basswood, beech, birch, butternut, cedar, cherry, chestnut, elm, hickory, maple, oak, pine, sassafras, spruce, walnut or whitewood tree, planted, under the provisions of this Act, within such municipality on any highway or on any boundary line or within six feet of such boundary line.

Inspector of
trees.

(2) The by-law shall provide for the appointment of an Inspector of trees so planted, for their due protection against injury or removal by any person, including the owner, without the authority of a resolution of the council, and for the conditions on which the bonus may be paid. 3-4 Geo. V. c. 53, s. 3.

4.—(1) Not less than thirty municipal electors in a police village may petition the council of the township praying for the passing of a by-law under section 3 to have effect within the limits of the police village, and on receipt of such petition the council may pass a by-law giving effect to it. Petition for passing by-law.

(2) The trustees of such police village shall appoint the Inspector of trees provided for by the by-law, and the amount required for the payment of the bonuses for tree planting under the by-law, and the remuneration of the Inspector shall be raised by a rate upon the assessment for real property, income and business and other assessments in such police village in the manner provided by *The Municipal Act*. Appointment of inspector. Rev. Stat. c. 192.
3-4 Geo. V. c. 53, s. 4.

5.—(1) The Inspector shall make to the council one report for each year, if required so to do, giving the names of all persons entitled to any bonus under the by-law, the number of trees of each species planted and the amount of bonus to which each person is entitled, and certifying that the trees have been planted for a period of three years and that they are alive, healthy and of good form; and upon the adoption of such report the bonus shall be paid. Report of Inspector on state of trees.

(2) The corporation shall not be liable to pay a larger sum in respect of trees planted under this Act than would be payable if the same had been planted at a distance of thirty feet apart, and in no case shall a bonus be granted where the trees are less than fifteen feet apart. 3-4 Geo. V. c. 53, s. 5. Limitation of amount of bounty.

6.—(1) Any person who ties or fastens any animal to or injures or destroys a tree planted and growing upon a highway, lane, alley, place or square, or, if a bonus has been paid therefor, upon any boundary line between lands, or who suffers or permits any animal in his charge to injure or destroy or who cuts down or removes any such tree without having first obtained permission so to do by resolution of the council of the municipality shall incur a penalty not exceeding \$25, recoverable under *The Ontario Summary Convictions Act*. Penalties for injuring trees on highways. Rev. Stat. c. 90.

(2) One half of such penalty shall go to the person laying the information and the other half to the corporation of the municipality within which such tree was growing. Application of penalty.

(3) Any person who ties or fastens any animal to or injures or destroys any tree growing for the purposes of shade or ornament upon a boundary line between lands or who suffers or permits any animal in his charge to injure or destroy or who cuts down or removes any such tree without the consent of the owners thereof shall incur the like penalty. Injuring trees on boundary lines.
3-4 Geo. V. c. 53, s. 6.

Municipal
by-laws as to
planting and
removal.

7. The council of every municipality may pass by-laws to

- (a) regulate the planting of trees upon highways;
 - (b) prohibit the planting upon the highways of any species of trees which they may deem unsuited for that purpose;
 - (c) provide for the removal of trees planted on a highway contrary to the provisions of any such by-law.
- 3-4 Geo. V. c. 53, s. 7.

4. *LICENSING OF SHOWS AND CIRCUSES.*

CHAPTER 214.

An Act respecting Circuses and Travelling Shows.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Travelling Shows Act*. Short title.
1 Geo. V. c. 63, s. 1.

2. No menagerie, circus, wild west show, trained animal show or show of any kind whatsoever shall be exhibited at any place in Ontario unless the owner, proprietor, manager, agent or person in charge of such show first obtains a license for that purpose from the Treasurer of Ontario. 1 Geo. V. c. 63, s. 2.

Circuses, etc., not to be exhibited without a license.

3. Every applicant for a license shall make and file in the office of the Treasurer a statutory declaration setting forth the number of days upon which the show is to be exhibited in Ontario and the localities in which the performances or exhibitions are to be held, and for such license shall pay in advance to the Treasurer the sums following for every day upon which the show is to be exhibited in Ontario:—

License fee.

For every circus, menagerie, wild west show and not more than one side show, if travelling with over twenty cars	\$100.00
With twenty cars or less	50.00
For every trained animal show	15.00
For each additional side show	10.00

And for every other show such sum as may be determined by the Treasurer for every day upon which the show is licensed to be exhibited. 1 Geo. V. c. 63, s. 3.

4. If any such show is exhibited as part of an industrial exhibition or agricultural fair the applicant shall pay such license fee as the Treasurer may impose, but not in excess of the fees fixed by section 3 for the particular class of show, and the Treasurer may have regard to any special circum-

License fee for certain shows to be fixed by Provincial Treasurer.

stances of the case and may if he deems it advisable impose a nominal fee. 1 Geo. V. c. 63, s. 4.

Power to
issue and
revoke
license.

5.—(1) Upon receiving the statutory declaration hereinbefore mentioned and upon payment of the license fee the Treasurer may, in his discretion, issue a license and may at any time revoke the same upon being satisfied that the show is made the occasion for violation of the law or that gambling or any game of chance has been carried on in connection therewith.

Refund on
revocation.

(2) In case of the revocation of a license the amount received for the same shall be refunded to the licensee, less the sum paid per day for every day during which exhibitions have been given under such license prior to the revocation thereof. 1 Geo. V. c. 63, s. 5.

Penalty for
unlicensed
exhibitions.

6. Any person in charge of a show, or the owner, proprietor, manager or person having control thereof, who exhibits the same or any part thereof without obtaining a license shall incur a penalty of not less than \$200 and not more than \$300 for every day upon which such show or any part thereof has been exhibited at any place in Ontario. 1 Geo. V. c. 63, s. 6.

License, when
municipal
corporation
to issue.

7. No municipal corporation shall issue a license to any show to which section 2 applies until the applicant produces a license from the Treasurer of Ontario authorizing the exhibition in the municipality, and any member or officer of a municipal corporation who is a party to the issue of a license in violation of the provisions of this section shall incur a penalty of \$20. 1 Geo. V. c. 63, s. 7.

Provincial
and Dominion
detectives
and constables
to have free
access to
all shows.

8.—(1) The members of the Ontario Provincial Police Force and the members of the Dominion Police Force shall have access free of all charge to all shows mentioned in section 2, and to every horse race, agricultural, horticultural or industrial exhibition, ball game, theatre or public gathering, and to the grounds, tents and buildings in which such shows, races, exhibitions and gatherings are held, during the hours in which the public are admitted thereto, and any person hindering, preventing or refusing such free access after any such officer has demanded admission and displayed his badge of office shall incur a penalty of not less than \$50 and not more than \$100, or in the discretion of the convicting magistrate may be imprisoned for any term not exceeding three months. 1 Geo. V. c. 63, s. 8.

Penalty.

Prosecu-
tions.
Rev. Stat.
c. 90.

9. The penalties imposed by this Act shall be recovered under *The Ontario Summary Convictions Act*. 1 Geo. V. c. 63, s. 9.

10. All penalties recovered under this Act, and all fees paid for licenses under the provisions of this Act, shall be paid over to the Treasurer of Ontario for the use of the Province. 1 Geo. V. c. 63, s. 10.

Fees and
penalties
to be paid
to Treasurer.

11. The license fees payable under this Act shall be in addition to any fees imposed by municipalities. 1 Geo. V. c. 63, s. 11.

License fees
to be in ad-
dition to fees
of muni-
cipalities.

5. SALE OF INTOXICATING LIQUORS.

CHAPTER 215.

An Act respecting the Sale of Fermented or
Spirituuous Liquors.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PART I.—GENERAL.

Short title.

1. This Act may be cited as *The Liquor License Act*.
R.S.O. 1897, c. 245, s. 1.

INTERPRETATION.

Interpretation.

2. In this Act, or in the Forms,

"Board."

(a) "Board" shall mean the Board of License Commissioners appointed for any License District under the provisions of this Act; 6 Edw. VII. c. 47, s. 1 (1), *part*.

"County."

(b) "County" shall include a union of counties and a provisional judicial district; 6 Edw. VII. c. 47, s. 1 (1), *part*.

"Druggist."

(c) "Druggist" shall mean a duly qualified and registered pharmaceutical chemist; 61 Vict. c. 30, s. 1, *part*.

"Inspector."

(d) "Inspector" shall mean an Inspector of Licenses appointed for a License District under this Act; R.S.O. 1897, c. 245, s. 2, par. 9.

"Judge."

(e) "Judge" shall mean and include the Judge or Junior or Deputy Judge of the County or District Court of a county or district;

"Keeper."

(f) "Keeper" when used with respect to licensed premises shall mean and include the person to whom the license was issued or who is the holder of the license, and, where a license is held by a firm, shall mean and include the firm and every individual member thereof, and, where the license is held by an incorporated company, shall mean and

include the company and the manager, superintendent or other person in charge of the premises or responsible for the conduct of the business carried on therein; 6 Edw. VII. c. 47, s. 1 (1), *part*.

- (g) "License District" shall mean a city, county or electoral district or districts, or any part of an electoral district, or a union of parts of two or more electoral districts, as the Lieutenant-Governor in Council may by order direct; R.S.O. 1897, c. 245, s. 2, par. 6. "License District."
- (h) "Licensed premises" shall mean a warehouse, tavern or shop in respect to which a license under this Act has been granted and is in force, and shall include every room, closet, cellar, yard, stable, outhouse, shed and any other place whatsoever, of, belonging or in any manner appertaining to such warehouse, tavern or shop; 6 Edw. VII. c. 47, s. 1 (1). "Licensed Premises."
- (i) "Liquor" shall include all spirituous and malt liquors, and all combinations of liquors and drinks and drinkable liquids which are intoxicating; R.S.O. 1897, c. 245, s. 2, par. 1. "Liquor."
- i. Any liquor which contains more than two and one-half per cent. of proof spirits shall be conclusively deemed to be intoxicating; 6 Edw. VII. c. 47, s. 1 (2). When liquor to be deemed intoxicating.
- (j) "Local Option By-law" shall mean a by-law passed under subsection 1 of section 137 or passed under section 18 of the Act passed in the fifty-third year of the reign of Her late Majesty Queen Victoria and chaptered fifty-six. "Local Option By-law."
- (k) "Magistrate" shall include a justice of the peace, two or more justices of the peace sitting and acting together and a police magistrate. *See* 6 Edw. VII. c. 47, s. 1 (1), *part*. "Magistrate."
- (l) "Minister" shall mean the member of the Executive Council, to whom, for the time being, is assigned the supervision of the administration of this Act; R.S.O. 1897, c. 245, s. 2, par. 8. "Minister."
- (m) "Polling subdivision" shall mean the polling subdivision as shown by the last revised voters' list for the municipality, in which licensed premises or the premises for which a license is sought are situated; R.S.O. 1897, c. 245, s. 2, par. 7. "Polling subdivision," meaning of.
- (n) "Shop license" shall mean a license for selling, by retail, liquor in shops, stores, or places other than taverns, in quantities of not less than three half-pints, or, if sold in unbroken packages, of not "Shop license."

less than one half-pint, at any one time, to any one person, and at the time of sale to be wholly removed and taken away, in quantities of not less than three half-pints or one half-pint at a time, as the case may be; R.S.O. 1897, c. 245, s. 2, par. 3.

"Tavern."

(o) "Tavern" shall mean an hotel, inn or other public house of entertainment kept for the purpose of providing refreshment and accommodation, which shall include board and lodging, for the public; 6 Edw. VII. c. 47, s. 1 (1), *part*.

"Tavern license."

(p) "Tavern License" shall mean a license for selling liquor in quantities not exceeding one quart for consumption only on the licensed premises in which it is sold; 3-4 Geo. V. c. 54, s. 1.

"Three half-pints."

(q) "Three half-pints" shall, where bottled liquor is sold, be held to be equivalent to five quarter pints Imperial measure; R.S.O. 1897, c. 245, s. 2, par. 5.

DETERMINING POPULATION FOR PURPOSES OF ACT.

Population to be ascertained by last assessment roll.

3.—(1) Whenever in this Act reference is made to the number of the population of any municipality the number of such population shall be determined by the last assessment roll of the municipality as finally revised prior to the first day of April of the year in which it is necessary to determine the population. 6 Edw. VII. c. 47, s. 9 (1); 8 Edw. VII. c. 54, s. 5 (1).

In case of alteration since revision.

(2) In case of the alteration or formation of a municipality subsequent to the final revision of such assessment roll, the population of such municipality for the purposes of this Act may be ascertained by reference to the enumeration on which such municipality was so altered or formed. 6 Edw. VII. c. 47, s. 9 (2); 8 Edw. VII. c. 54, s. 5 (2)

THE LICENSE BRANCH.

Regulations by Order-in-Council.

4.—(1) The Lieutenant-Governor in Council may make regulations for

Appointment of officers, etc.

(a) the appointment of permanent officers, clerks and servants of the License Branch at Toronto for the purpose of carrying out the provisions of this Act or of any other Act of this Legislature respecting licenses for the manufacture or sale of liquor or for the regulation of the sale of liquor by wholesale or retail in Ontario;

Duties, powers, and salaries of officers, etc.

(b) defining the duties and powers of such officers, clerks and servants, and fixing the security to be furnished by them or any of them for the due

performance of their respective duties, and fixing the salaries of such officers, clerks and servants;

- (c) providing for the employment of such special or temporary officers and clerks as may in the opinion of the Minister be necessary for the better enforcement of the provisions of this Act and any regulations or by-laws passed thereunder; Special or temporary officers and clerks.
- (d) regulating the transaction of business in the License Branch and the direction of License Inspectors and License Commissioners in the performance of their duties under this Act or any regulations or by-laws made or passed thereunder; Regulation of business.
- (e) providing for the inspection of License Districts and of the books and accounts of Inspectors, and for ascertaining that the duties of the office of Inspector are faithfully and efficiently performed; Inspection of License Districts.
- (f) providing for the holding of investigations into the conduct of Inspectors and License Commissioners and empowering any officer or other person holding such investigation to take evidence on oath and to summon witnesses and to enforce their attendance and to compel the production of books and documents, and for conferring upon such officer or other person all the powers possessed by a commissioner appointed under *The Public Inquiries Act*. Investigations. Rev. Stat. c. 18.

(2) Every regulation made by the Lieutenant-Governor in Council under this Act shall be published in the *Ontario Gazette*, and shall take effect from the date of such publication. 6 Edw. VII. c. 47, s. 2. Regulations to be published in Gazette.

BOARDS OF LICENSE COMMISSIONERS.

5.—(1) There shall be a Board of License Commissioners, to be composed of three persons, to be appointed by the Lieutenant-Governor, for each city, county, electoral district, or License District, as the Lieutenant-Governor may think fit. Board of License Commissioners.

(2) Any two of the Commissioners shall be a quorum. Quorum.

(3) Every Commissioner shall hold office until and inclusive of the 31st day of December in each year, or until a new Board or a majority thereof has been appointed, but any such Commissioner may be re-appointed. Term of office.

(4) The office of License Commissioner shall be honorary and without any remuneration. R.S.O. 1897, c. 245, s. 3; 9 Edw. VII. c. 82, s. 1. Office honorary.

6.—(1) The Board may at any time before the 1st day of May in each year pass resolutions for Powers of the Board.

Defining
requisites for
granting
tavern and
shop licenses.

(a) defining the conditions and qualifications requisite for obtaining tavern and shop licenses respectively for the sale of liquor by retail within the License District;

Limiting
number of
licenses, etc.

(b) limiting the number of tavern and shop licenses respectively, and defining the respective times and localities within which and the persons to whom such licenses may be issued within the year, from the 1st day of May of one year till the 30th day of April inclusive of the next year;

Regulating
premises.

(c) regulating the taverns and shops to be licensed;

Defining duties
of inspectors.

(d) fixing and defining the duties, powers and privileges of the Inspector of the License District.

Duration of
regulations.

(2) Regulations duly passed by the Board in accordance with subsection 1 shall remain in force until amended or repealed by the Board or its successors in office. R.S.O. 1897, c. 245, s. 4.

Penalties for
infraction of
regulations.

(3) In and by any such resolution, the Board may impose penalties for the infraction of its provisions not exceeding \$50 in any instance, or, in default of payment, imprisonment not exceeding twenty-one days.

Recovery.

(4) Such penalties may be recovered or enforced by summary proceedings before a justice of the peace having jurisdiction, in the same manner as penalties imposed for the contravention of municipal by-laws. *See* R.S.O. 1897, c. 245, ss. 5, 100.

INSPECTORS.

Inspectors,
appointment.

7.—(1) An Inspector shall be appointed by the Lieutenant-Governor from time to time for each city, county, electoral district or License District, as the Lieutenant-Governor may think fit.

Security.

(2) Every Inspector shall, before entering upon his duties, furnish such security as the Minister may require for the due performance of such duties and for the payment over of all sums of money received by him according to the provisions of this Act.

Salary.

(3) The salary of every Inspector shall be fixed by the Lieutenant-Governor in Council. R.S.O. 1897, c. 245, s. 6.

Chief Inspector
may be
appointed in
Toronto.

8.—(1) A Chief Inspector may be appointed for the City of Toronto, and he shall have jurisdiction throughout the said city.

Duties.

(2) Such Chief Inspector shall perform all the duties of an Inspector, and shall have all the rights, powers and authority thereof, and shall be charged with the duty of seeing that this Act is enforced.

(3) Such Chief Inspector shall, unless the Lieutenant-Governor otherwise directs, act as the secretary of the Board, and shall visit and inspect all premises for which a license is sought, and shall perform such other duties as may be assigned to him by the Board or by the Lieutenant-Governor in Council. R.S.O. 1897, c. 245, s. 7; 9 Edw. VII. c. 82, s. 2.

ISSUE OF LICENSES.

9.—(1) The Lieutenant-Governor in Council may direct the issue of tavern and shop licenses, and the licenses shall be signed by the Minister and dated as of the first day of May in each year, and shall thence continue in force for one year, and shall expire on the 30th day of April in the next ensuing year.

(2) After the 1st day of May, tavern and shop licenses may be issued between the 1st and 15th days of May in each year; and all such licenses shall be deemed to have been issued on the 1st day of May.

(3) Where special grounds are shown, the Board may direct one or more licenses to issue at any time after the 1st day of May, if within the limit authorized by this Act and if the application therefor has been filed with the Inspector on or before the 1st day of April next preceding.

(4) In counties or cities in which the second part of *The Canada Temperance Act* having been in force has been repealed and such repeal takes effect after the 1st day of May in any year, it shall not be necessary that the application be filed within the time limited by subsection 3. R.S.O. 1897, c. 245, s. 8.

(5) Every license shall be issued under the direction of the proper Board, by the Inspector for the License District in which the tavern or shop to which the license is to apply is situate. R.S.O. 1897, c. 245, s. 9.

10.—(1) Notwithstanding anything in this Act, the Minister may at any time prohibit the granting or issuing of a tavern or shop license to any person for premises situate in any License District, and every member of the Board and the Inspector shall see that any order given by the Minister under this section is obeyed. 6 Edw. VII. c. 47, s. 23 (1); 1 Geo. V. c. 64, s. 13, *part*.

(2) Every License Commissioner or Inspector who issues or sanctions or permits the issue of a license in contravention of any such order shall be guilty of an offence against this Act, and shall incur the penalties provided by section 62. 6 Edw. VII. c. 47, s. 23 (2).

Vessel licenses
not to be
issued.

11.—(1) No license shall be issued for the sale of liquor on any ferry boat or on any vessel navigating any of the great lakes or the rivers St. Lawrence or Ottawa or any inland waters of Ontario, nor shall any liquor be sold or kept for sale in any room or place on any such ferry boat or vessel. R.S.O. 1897, c. 245, s. 10.

Who to be
deemed
"occupant"
of steamboat,
etc.

(2) The owner, master, captain or other person in command or in charge of any ferry boat or any vessel navigating any of the great lakes or the rivers St. Lawrence or Ottawa, or any of the inland waters of Ontario, shall be deemed to be the "occupant" of such ferry boat or vessel within the meaning of section 103, and for every contravention of the provisions of this Act on board such ferry boat or vessel shall personally incur the penalty and punishment prescribed in this Act in the same manner and to the same extent as the occupant of a house, shop, room or other place. 6 Edw. VII. c. 47, s. 5.

No tavern or
shop license to
be granted
except upon
application
and report
thereon.

12.—(1) A license to sell liquor, by retail, in any tavern or shop shall not be granted except upon application to the Board of the License District in which the license is to have effect, praying for the same; nor until the Inspector has reported in writing to the Board that

(a) the applicant is a fit and proper person to have a license and, in the case of a tavern license, has all the accommodation required by law; and

(b) the applicant is known to the Inspector to be of good character and repute;

Report to be
filed.

and every such report shall be and remain open to the inspection of any ratepayer of a municipality within the License District or of any provincial officer.

When applica-
tion to be
presented.

(2) Every application for a tavern license, which is to take effect on the 1st day of May in any year, shall, on or before the 1st day of April next preceding, be filed with the Inspector for the License District where it is to have effect.

Report not to
be conclusive.

(3) The Inspector shall not report in favour of any applicant other than the true owner of the business of the tavern or shop proposed to be licensed, and his report shall be for the information of the License Commissioners, who shall nevertheless exercise their own discretion on each application.

Report may be
dispensed
with.

(4) Where the applicant for a tavern or shop license resides in a remote part of the License District, or where for any other reason the Board sees fit, it may dispense with the report of the Inspector, and act upon such information as may satisfy it in the premises.

Board to fix a
day for
considering
applications.

(5) The Board shall, on or before the 1st day of April, fix a day for considering applications for licenses, being not

less than one week prior to the 1st day of May in each year, and the Inspector shall publish at least fourteen days before the day of the meeting, in at least two issues of a newspaper published in the License District, if there be one published therein, the date and place fixed for the meeting, and the Inspector shall cause a notice containing similar information to be affixed to or near the outer door of the building in which his office is situate.

(6) The Inspector shall, at least fourteen days before the first meeting of the Board to consider applications, cause to be published in at least two issues of some newspaper published in the License District, if there is one published therein,

Notice by
Inspector as to
applications.

- (a) the name of each applicant for a license, who is not at the time of the making of such application a licensee under this Part in the municipality within which the license is sought to be obtained, or who applies for the licensing of premises not then under license;
- (b) the description of license applied for and the place, described with sufficient certainty, where such applicant proposes to sell,
- (c) the total number of tavern and shop licenses issued during the current license year; and
- (d) the total number of applications for the ensuing year;

and he shall also keep a list of all applications, to be entered in a book to be kept by him for the purpose, containing similar information, and such list shall be open to the public for inspection without charge.

(7) Any ten or more electors of any polling subdivision may object by petition, or in any similar manner, to the granting of any license within such subdivision on the ground that

Objections to
applications.

- (a) the applicant is of bad fame and character, or of drunken habits, or has previously forfeited a license, or has been convicted of selling liquor without a license within a period of one year; or has kept, within a period of two years, a place in which the illicit sale of liquor was frequent and notorious; or
- (b) the premises in question are out of repair or have not the accommodation required by law; or
- (c) the licensing thereof is not required in the neighbourhood, or the premises are in the immediate vicinity of a place of public worship, hospital, or school, or the quiet of the place in which such

As to character
of applicant.

As to his
premises.

As to the
neighbour-
hood.

premises are situate will be disturbed if a license is granted.

Hearing objections.

(8) Any person who has signed a petition against the granting of a license may, in person or by his agent, be heard in opposition to such granting.

Objections by municipalities.

(9) The council of any city, town, village or township may authorize any person to appear in a similar manner on behalf of the ratepayers of such city, town, village or township, as to the granting of a license, and the person so authorized shall be heard in opposition to the granting of such license.

As to objections to character.

(10) Except at the instance of the Board, no objection in respect of the character of any applicant shall be entertained until three days' notice in writing has been given to the applicant, which may be served personally or left at his usual place of residence or business; and the service may be proved orally or by affidavit.

Board may notice matters not mentioned by objectors.

(11) Notwithstanding anything in this Act, the Board may of its own motion take notice of any matter or thing which in its opinion would be an objection to the granting of a license, although no notice or objection has been given or made as prescribed by this Act; and in any such case the Board shall notify the applicant and shall adjourn the hearing of the application, if requested by him, for any period not exceeding fourteen days, in order that any person affected by the objection may have an opportunity of answering the same. R.S.O. 1897, c. 245, s. 11 (1-12).

Notice to applicant in such cases.

Decision of Board final.

(12) The decision of the Board, in regard to the application mentioned in subsection 1, when once announced by the chairman, shall not be questioned or reconsidered, but where the decision of the Board has not been unanimous, or where the person or persons affected by such decision petition the Board and allege facts or grounds for its consideration not formerly before it, the Board may by resolution, in which all of the Commissioners concur, decide to rehear the case; and where a re-hearing is allowed, notice thereof shall be given by the Inspector to the applicant and to at least one of the petitioners opposing the granting of the license or to his agent. R.S.O. 1897, c. 245, s. 11 (13); 9 Edw. VII. c. 82, s. 3.

Certificate required with application in case applicant is not a licensee under this Part.

(13) (a) Where application is made for a tavern or shop license by a person who is not, at the time of making such application, a licensee under this Part in the municipality within which such license is sought to be obtained, or in the case of an application for such license for or transfer thereof to premises which are not then licensed, the application shall be accompanied by a certificate according to Form 1 or to the like effect signed by a majority of the electors entitled to vote at elections for the Legisla-

tive Assembly in the polling subdivision in which the premises sought to be licensed are situate and such majority shall include at least one-third of such electors who are at the time of such application resident within such polling subdivision.

(b) The requirement of a certificate shall not apply to the transfer of a license from the holder thereof to some other person for the same premises with the consent of the Board, nor to a licensee applying for permission of the Board to remove with his license to other premises in the same polling subdivision, if such permission does not increase the number of licensed premises in such polling subdivision, but such transfer or removal shall not be allowed if a majority of the electors duly qualified as aforesaid petition against the same on the grounds hereinbefore set forth or on any of such grounds; nor shall such requirement apply to an applicant for a six months' license under section 17 where the person applying therefor was the holder of a similar license for six months or some part thereof in the preceding year for the same premises. R.S.O. 1897, c. 245, s. 11 (14); 1 Geo. V. c. 64, s. 19.

- i. If a question arises as to whether the number of electors who have signed a certificate or petition comprises a majority of the duly qualified electors of the subdivision, or includes one-third of the resident electors, or as to whether any one or more persons who have signed the certificate or petition are duly qualified voters, or are residents of the polling subdivision, the clerk of the municipality in which the polling subdivision is situate, shall take evidence upon oath, or otherwise, and determine the question in dispute, and he shall in such case report to the Board in writing, signed by him, the number of duly qualified electors and of resident electors respectively for the subdivision and the number of duly qualified electors who have signed the certificate or petition as the case may be, and the number of such last mentioned electors who are resident as aforesaid, and if he has disallowed any of the names upon such certificate he shall in such report state such names and his reasons for such disallowance, and unless appealed against as hereinafter mentioned, his report shall be final and conclusive; and for such report the clerk shall be entitled to a fee of \$5, payable out of the License Fund.
Clerk of municipality to verify in case of disputes.
- ii. The clerk shall give to the applicant for the license, and to at least one of the persons signing any petition against the license, written notice of the time and place at which he will determine the question and the procedure to be adopted by the

clerk in giving such notice and determining such question shall be in accordance with any general regulations made in that behalf by the Lieutenant-Governor in Council.

- iii. From every such decision and report of the clerk an appeal shall lie to the Judge of the County or District Court of the county or district in which the premises sought to be licensed are situate, under and subject to such regulations as may be made by the Lieutenant-Governor in Council in that behalf.

As to un-organized districts.

(c) In localities not under municipal organization the certificate shall be signed by at least eleven out of the twenty householders residing nearest to the premises in which the applicant proposes to carry on the business for which the license is required. 7 Edw. VII. c. 46, s. 10.

Time for filing.

(14) Every petition against the granting of a license shall be lodged with the Inspector at least four days before the first meeting of the Board to consider the applications; and the Inspector shall present the same to the Board at its meeting.

Posting list of petitions, etc.

(15) The Inspector shall keep a list posted in his office for three days previous to the meeting of the Board of all applications, certificates and petitions lodged with him as aforesaid, and every such application, certificate or petition shall be open to public inspection without fee.

Hearing and determining objections.

(16) Every application for a license, and all objections to every such application, shall be heard and determined at a meeting of the Board.

Proceedings at hearings.

Rev. Stat. c. 90.

(17) Every such hearing shall be open to the public, and the Board may summon and examine on oath such witnesses as it may think necessary, and as nearly as may be in the manner directed by *The Ontario Summary Convictions Act*; and any member of the Board may administer the oath; but nothing herein contained shall prevent the Board from retiring or sitting with closed doors while considering or preparing their decision or judgment in respect of any application.

Adjourning meetings.

(18) Any meeting of the Board for the consideration of applications may, at the discretion of the Board, be adjourned from time to time to the same or any other place or building within the License District.

Office of Inspector.

(19) Where the Inspector has not taken or set apart premises especially for the purposes of an office, the room or rooms in which he usually conducts his official business, whether at his residence or place of business, shall be deemed to be his office for the purposes of this Act.

Duty of Board and Inspector.

(20) The foregoing subsections of this section are declared to be obligatory on the Board and Inspector, but non-com-

pliance therewith shall not invalidate the action of the Board or Inspector.

(21) Nothing in subsection 20 shall authorize the granting of a license contrary to the provisions of subsection 13. Saving as to subsection 13.
R.S.O. 1897, c. 245, s. 11 (15-21).

13.—(1) If, upon application of any person requiring a tavern or shop license, it appears that such applicant is the true owner of the business of such tavern or shop and has complied with the requirements of the law and of any municipal by-laws in force in that behalf and also with the regulations and requirements of the Board, and is one of the persons designated or otherwise approved of by it, the Board may grant such applicant a certificate under the hands of any two of its members stating that he is entitled to a license for the period named therein, for the certain tavern or shop within the municipality, specified in the certificate. R.S.O. 1897, c. 245, s. 12 (1). Mode of procedure in obtaining tavern or shop licenses.

(2) (a) Before any tavern or shop license is granted the person applying for the same shall enter into a bond to His Majesty in the sum of \$200, with two good and sufficient sureties, to be approved of by the Inspector, in the sum of \$100 each, with the condition and in other respects according to the form or to the effect of such one of Forms 2 and 3 as is applicable to the case; and when executed the bond shall be delivered to the Inspector, to be by him transmitted to the office of the Minister. Security to be given by licensee.

(b) Members of municipal councils and constables shall be ineligible as sureties in the bond to be given under clause (a) of this subsection. Who not eligible. R.S.O. 1897, c. 245, s. 17.

(c) In lieu of the security to be given as provided by clause (a) of this subsection the Lieutenant-Governor in Council may by Order in Council direct that an agreement may be entered into between His Majesty and any guarantee company or other company authorized to enter into contracts of suretyship or to issue policies for guaranteeing the good behaviour of persons required to furnish such security, by which such company may undertake, in consideration of a fixed annual payment or otherwise, to indemnify His Majesty or any municipal corporation against non-payment of any fines or penalties or costs which the person applying for any license or to whom any license is transferred may be ordered to pay during the term for which the license is granted or during which such person is the holder of a tavern or shop license, to the amount stated in such agreement or in any schedule attached thereto. Security—by licensees,—general agreements with guarantee companies.

(d) It shall not be necessary that a separate agreement be entered into for each applicant for a license or transferee of a license, but the agreement with such company may provide that upon notice being given in writing by an officer When liability of company to attach.

of the Government of Ontario at Toronto to the company that the company is required to furnish security for any such applicant or transferee, and upon the acknowledgment in writing of receipt of such notice by the company, the company shall become liable to the extent of the amount stated in such notice.

Payment of
premium by
licensee.

(e) The amount chargeable to each applicant for such guarantee shall be stated in the agreement and shall be paid by the applicant to the Inspector before the issue of the license, and shall be by him forthwith deposited to the credit of the License Fund of the License District. 6 Edw. VII. c. 47, s. 4.

Payment of
license fee.

(3) Subject to subsection 6 the license fee shall be paid by the applicant into such bank as may be designated by the Minister to the credit of the "License Fund Account," for the license district; and upon production by the applicant to the Inspector of the certificate of the Board, together with a receipt showing payment in full of the fee to the credit of the License Fund Account, the Inspector may issue the license authorized by the Board. R.S.O. 1897, c. 245, s. 12 (2).

Tavern and
shop licenses.
Fees payable.

(4) (a) Subject to clause (b), the following license fees shall be payable, and save as provided in subsection 5 shall be in lieu of all others, Provincial or municipal, that is to say:—

In a city having a population exceeding 200,000:

For a tavern license\$1,600
For a shop license 1,000

and in addition thereto there shall be paid for each such shop license for the exclusive use of the Province a further sum of \$600.

9 Edw. VII. c. 82, s. 38; 3-4 Geo. V. c. 54, s. 2.

In a city having a population of more than 100,000 and not more than 200,000:

For a tavern license\$1,200
For a shop license 1,000

6 Edw. VII. c. 47, s. 10 (1), *part.*

In a city having a population of more than 30,000 and not more than 100,000:

For a tavern license\$700
For a shop license 700

In a city or town having a population of more than 10,000 and not more than 30,000:

For a tavern license\$500
For a shop license 500

In a city having a population of 10,000 or less and in a town having a population of more than 5,000 and not more than 10,000: ^{Fees payable.}

For a tavern license\$450
For a shop license 450

In a town or village having a population of more than 2,000 and not more than 5,000:

For a tavern license\$350
For a shop license 350

In a town or village having a population of 2,000 or less:

For a tavern license\$250
For a shop license 270

In a township:

For a tavern license\$120
For a shop license 200

In any locality in a provisional judicial district other than a city, town or village:

For a tavern license\$120

(b) In a city, town, village or other municipality or in a locality without municipal organization, in a provisional judicial district there shall be payable:

For a shop license\$500

(c) For a beer and wine license the fee shall be three-fourths of that imposed for a tavern license in the municipality or unorganized district in which the beer and wine license is issued.

(d) For every transfer of a tavern or shop license there shall be payable a fee amounting to one-third of the fee payable for the license transferred. 6 Edw. VII. c. 47, s. 10 (1), *part*.

(e) The Lieutenant-Governor in Council may increase the duties payable for tavern or shop licenses in any provisional judicial district or in any municipality or locality situated therein to such an amount as may be deemed proper, and such increase shall take effect as may be directed by Order-in-Council on the date of the publication thereof in the *Ontario Gazette*. 6 Edw. VII. c. 47, s. 10 (1), *part*.

(5) (a) The council of any municipality may by by-law increase the fees to be paid for tavern or shop licenses therein beyond the amounts provided by subsection 4, but every such proposed by-law shall, before the final passing thereof, be submitted to and approved by the electors in the ^{By-law for increasing fees.}

Rev. Stat.
c. 192.

manner provided by *The Municipal Act* with respect to proposed by-laws which before their final passing require the assent of the electors of the municipality.

When by-law
to take effect.

(b) Such by-law shall take effect from the passing thereof unless passed later than the 1st day of March in any year, in which case it shall come into force on the 1st day of May of the next succeeding year.

By-law not to
be repealed,
etc., without
assent of
electors.

(c) Any by-law so approved shall not be varied or repealed unless the varying or repealing by-law has been in like manner submitted to and approved of by the electors of the municipality.

By-laws
passed
before 27th
April, 1906,
increasing
fees.

(d) Where the council of any municipality, by by-law duly passed prior to the 27th day of April, 1906, has provided that license fees in excess of the amount fixed by subsection 4 shall be payable and the total amount payable for a tavern or shop license in such municipality is by reason of such by-law increased to an amount in excess of that fixed by subsection 4 the fees payable in such municipality shall be those fixed by that subsection with such an amount added thereto as will, together with the amount fixed by that subsection, equal the amount payable at the date aforesaid in such municipality, but the whole of such fees shall be payable into the License Fund of the License District, and shall be dealt with and apportioned as provided by section 122.

Repeal of
by-laws
passed before
27th April,
1906.

(e) Any by-law heretofore passed for increasing such license fee beyond the amount payable under subsection 4, may be repealed or amended as hereinbefore provided, but in no case shall such license fee be reduced below the amount fixed by that subsection.

When council
may not
increase fees.

(f) In any city where by section 10 of the Act passed in the 6th year of the reign of His late Majesty King Edward the Seventh an increase was made in the fee payable for a tavern or shop license, no further increase shall be made under this subsection by the council of such city. 6 Edw. VII. c. 47, s. 11.

Payment of
tavern or
shop license
fee in two
instalments.

(6) (a) If the applicant for a tavern or shop license so desires, the annual license fee payable to the Province may be paid in two equal instalments, one on the 1st day of May and the other on or before the 31st day of October following. 62 Vict. (2), c. 31, s. 28, *part*; 1 Edw. VII. c. 12, s. 26, *part*.

Permit for
first half-year
on payment of
instalments.

(b) In such case the Board may grant the certificate specified in the preceding clause, and upon the applicant paying in to the bank to the credit of the License Fund Account for the License District one-half of such license fee then, upon the production by the applicant of the certificate of the Board or any two of its members, together with a receipt showing payment of one-half of such fee to the credit of the License Fund Account, the Inspector may

issue to the applicant a permit which shall remain in force for a period of six months, that is to say, from the 1st day of May in the year in which it is issued until the 31st day of October of the same year and no longer, and while in force shall confer on the holder the same privileges and authority as if he had obtained a license.

(c) Upon payment in similar manner of the second instalment of such fee on or before the 31st day of October, and on surrender of his permit the license may be delivered to the applicant by the Inspector but not before. 62 Vict. (2), c. 31, s. 28, *part*. License to issue on payment of second instalment.

(d) Where the annual license fee payable for a tavern or shop license under this Part is not less than \$1,000, the same may be paid in four equal instalments, on the first day of the months of May, August, November and February, and in any case to which this clause applies, a permit may, notwithstanding anything in this subsection, be issued for a period of three months to the person having paid any such instalment, and subject in all other respects to the same conditions and stipulations applicable to the holder of an annual license issued under this Part, and such permits shall be in the form prescribed by Order in Council, and shall be dated on the day of issue. 9 Edw. VII. c. 82, s. 45. Payment of license fees in quarterly instalments.

(e) The Lieutenant-Governor in Council may direct the issue of permits in such form as he may provide to be used in place of licenses where the license fee is paid by instalments; and such permits shall be signed by the Minister and dated as of the 1st day of May in each year, and shall be absolutely void and of no effect after the 31st day of October in the year in which they are issued. Form and duration of permits.

(f) All the provisions of this Part with regard to licenses and offences and penalties shall apply to persons holding permits in the same manner and to the same extent as if such persons were licensees, and a permit may be revoked or cancelled on the same grounds on which a license may be revoked or cancelled under section 81, and for the purpose of proceeding under that section the permit and any license subsequently granted shall be treated as one and the same. Application of other provisions of this Act.

(g) Where a person to whom a permit has been granted sells liquor or otherwise offends against this Part after the time mentioned in his permit has expired he shall incur the same penalties as are provided under this Part in the case of a person who sells liquor without the license therefor by law required or otherwise so offends; and proceedings may be taken against him in the same manner and as though no license had been granted or issued. Penalty for violating permit.

(h) It shall not be necessary in any proceedings under this Part to specify or particularize the permit, but the same shall be included for all such purposes in the word "license." 62 V. (2), c. 31, s. 28, *part*. "License" to include permit.

Extent and conditions of license.

14. Subject to the provisions of this Act as to renewals and the transfer of licenses, every license for the sale of liquor shall be held to be a license only to the person therein named and for the premises therein described, and shall remain valid only so long as such person continues to be the occupant of the said premises and the true owner of the business there carried on. R.S.O. 1897, c. 245, s. 16.

No license to be granted to Commissioner or Inspector.

15.—(1) A tavern or shop license shall not be granted to or for the benefit of any person who is a License Commissioner or Inspector, and every license so issued shall be void.

License not to be issued for any premises owned by such person in his district.

(2) A tavern or shop license shall not be issued for premises within any License District of which any of the License Commissioners or of the Inspectors for such district is the owner, and every License Commissioner who knowingly grants a certificate for a license, and every Inspector who knowingly issues a license for any such premises, contrary to the provisions of this subsection, shall incur a penalty of \$500.

Where Commissioner, etc., is a shareholder in a company to be licensed.

(3) The preceding subsection shall not extend or apply to premises owned or occupied by an incorporated company in which a License Commissioner is a shareholder, but in every such case and in every case where a License Commissioner is the mortgagee of any premises or agent for the collection of rents in respect of any such premises, such License Commissioner shall not vote upon any question affecting the granting of a license to the company or for premises owned or occupied by it, or for premises in respect of which he is such mortgagee or agent; and any License Commissioner who contravenes the provisions of this subsection shall incur a penalty of \$500. R.S.O. 1897, c. 245, s. 15.

Licenses not to be issued to members of councils or their wives, etc.

(4) No tavern or shop license shall be issued to or held by any person who is a member of a municipal council, nor shall any license be issued to or transferred to or held by any person who is the wife, or partner in business, or agent, or the son or daughter (if such son or daughter is resident with his or her father), of a member of the municipal council of a municipality within the License District in which the licensed premises or the premises for which a license is sought, or the premises to which the license is sought to be transferred, as the case may be, are situate.

Licenses, husbands, etc., disqualified for election to councils.

(5) No person who is the manager of any company to which a tavern or shop license is issued or transferred under this Act or who is employed in any capacity in the business of any person, firm or company holding a tavern or shop license under this Act, and no person whose wife, or partner in business, or agent, or whose son or daughter (if such son or daughter is resident with his or her father) is the holder of a tavern or shop license shall be qualified to be elected a member of the council or to sit or vote in the council in any municipality comprising or forming part of

the License District in which the licensed premises are situate, but no person shall be disqualified or rendered ineligible to sit and vote in a municipal council by reason only of such person being a shareholder in a company to which a tavern or shop license is issued or transferred under this Act. 6 Edw. VII. c. 47, s. 3; 7 Edw. VII. c. 46, s. 1.

16.—(1) If a petition in writing signed by at least ten per cent. of the total number of persons appearing by the last revised voters' list of a city to be qualified to vote at municipal elections is filed with the clerk of the city on or before the 1st day of November in any year, praying for the submission of a by-law to the electors limiting the number of tavern or shop licenses or both tavern and shop licenses to be issued in the city for the next ensuing license year, beginning on the 1st day of May and for subsequent years until such by-law is repealed, and if the number of such licenses stated in the petition is within the limit fixed by this Act, the council shall submit such proposed by-law to the vote of the electors of the municipality qualified to vote at municipal elections in the city in the manner provided by *The Municipal Act*.

Submission
of by-law
limiting
number of
licenses in
cities.

Rev. Stat.
c. 192.

(2) The day fixed for taking the vote of the electors on the proposed by-law shall be the day upon which under *The Municipal Act*, or any by-law passed under that Act, a poll is held for the annual election of members of the municipal council.

Date of
polling.

(3) If a majority of the electors voting upon such proposed by-law assent to the same, the council shall within six weeks thereafter finally pass the by-law, and this section shall be construed as compulsory and the duty so imposed upon the council may be enforced at the instance of any municipal elector by mandamus or otherwise.

Duty of
Council if
by-law
carried.

(4) After the passing of such by-law, no proposed by-law for the repeal or amendment of the same shall be submitted to the electors before the day of polling for the third annual election to be held after that at which the voting on the first mentioned by-law took place, but this shall not affect the submission at any municipal election of a Local Option By-law.

By-law to
remain in
force for
three years.

(5) The clerk of the city shall deliver a certified copy of every by-law passed under this section to the Board immediately after the passing thereof. 1 Geo. V. c. 64, s. 21.

Copy of
by-law to be
sent to
Board.

17.—(1) Where the Board of any License District does not think fit, or is unable to grant a new license to any applicant who has been licensed during the preceding twelve months or any part thereof, it may nevertheless by resolution, provide for extending the duration of the existing license for any specified period of the year, not exceeding three months at its discretion, upon payment by the appli-

Extended
licenses.

cant of a sum not exceeding the proportionate part of the duty payable for such license for the then next ensuing license year; and such license, when a certificate of the extension aforesaid has been indorsed thereon, under the hand of the Inspector for the License District, shall remain valid for the period specified in the resolution of the Board, and no longer. R.S.O. 1897, c. 245, s. 21, *part*.

Limit of
number
prescribed
not to be
exceeded.

(2) Nothing in subsection 1 shall confer on the Board any authority to exceed the limit prescribed by this Act as to the number of tavern licenses to be granted in any year, except in a locality largely resorted to in summer by visitors, where the Board may, if it thinks fit, grant one additional tavern license, for a period not exceeding six months, commencing on the 1st day of May in each year. R.S.O. 1897, c. 245, s. 21, *part*; 9 Edw. VII. c. 82, s. 5.

LICENSES TO FIRMS.

Granting
tavern or shop
licenses to
partnerships.

18.—(1) Subject to the conditions and regulations in this section and in any Order in Council respecting the granting of such licenses, a tavern or shop license may be granted or transferred to a firm registered under *The Partnership Registration Act*.

Rev. Stat.
c. 139.

Application
for firm
license.

(2) The application for such license shall be signed by the firm under its name as registered, and by every person registered as a member of such firm in his own name, and the bond or other security to be furnished as provided by section 13 shall be executed and entered into or furnished by each registered member of the firm severally.

Liability of
members of
firm.

(3) Every registered member of the firm shall be severally liable to the fines and penalties imposed by this Act in the same manner and to the same extent as if he were the holder of the license, and any prosecution for contravention of this Part in or upon premises the license for which is held by a firm may be carried on against the individual members of the firm or any one or more of them jointly or severally; but not more than one of the members of the firm shall be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other or others of them.

Effect of
changes in
firm.

(4) If during the term of the license any change takes place in the firm by death, dissolution of partnership, or the retirement of any member, the remaining member or members and the legal representatives of any such deceased member shall within one month thereafter obtain the written consent of the Board to the continuance of the business, and if such consent is not obtained or the license is not transferred as provided by section 21, such license shall be void.

Cancellation
of firm
license.

(5) The license granted or transferred to any firm may be revoked or cancelled under the circumstances and in the

manner provided by section 81 or by any other section of this Act, and those sections shall apply to firms in the same manner and to the same extent as to individuals, and the conviction of any member of the firm shall for the purposes of those sections be deemed to have been the conviction of the firm. 6 Edw. VII. c. 47, s. 7.

LICENSES TO COMPANIES.

19.—(1) Subject to the conditions and regulations in this section and in any Order in Council respecting the granting of such licenses, a tavern or shop license may be granted or transferred to an incorporated company. 6 Edw. VII. c. 47, s. 8 (1); *see* 9 Edw. VII. c. 82, s. 36; and *see* also Part II. of this Act. Tavern or shop licenses to companies.

(2) The application for such license shall be signed by the president and secretary of the company and the corporate seal of the company shall be affixed thereto, and in lieu of the security required by section 13 such security shall be furnished by the company as shall be determined by Order in Council. Application for company's license.

(3) The company shall, before such license is issued and from time to time thereafter as a vacancy may occur, appoint some person to be manager of the licensed premises and shall file with the Board a certificate of the appointment of every such manager under the hands of the president and secretary and the corporate seal of the company. 6 Edw. VII. c. 47, s. 8 (2-3). Manager to be appointed.

(4) Every manager of an incorporated company holding a tavern or shop license shall be responsible for the proper and lawful conduct of the business carried on on the licensed premises and shall perform the same duties and be liable to the same fines and penalties for any contravention of this Part or any regulation or by-law made or passed thereunder, and shall furnish the same security as if the license for such premises had been issued to him in his own name. 6 Edw. VII. c. 47, s. 8 (4); *see* 9 Edw. VII. c. 82, s. 37; and *see* also Part II. of this Act. Duties and liabilities of manager.

(5) The license granted to any company may be revoked or cancelled under the circumstances and in the manner provided by section 81, or by any other section of this Act, and those sections shall apply to companies in the same manner and to the same extent as to individuals, and the conviction of the manager of the company for the time being shall for the purpose of the said sections be deemed to have been the conviction of the company. 6 Edw. VII. c. 47, s. 8 (5-8). Revocation and cancellation of company's license.

CONTRACTS.

Licensees
not to enter
into contracts
restricting
purchase of
liquor.

20.—(1) No holder of a license for the sale of liquor by retail in a tavern or shop shall hereafter, in consideration of an advance of money or other financial assistance to such license holder, make or enter into, directly or indirectly, or be or become a party to, any contract, covenant, agreement, undertaking, stipulation or bargain, written or verbal, which has the effect of imposing or is intended or purports to impose any restriction whatsoever upon such license holder as to the person from whom or the locality in which liquor shall be purchased or supplied for sale in such tavern or shop.

Contracts
restricting
purchase
to be void.

(2) Every covenant, contract, agreement, undertaking, stipulation or bargain, whether written or verbal, entered into by the holder of a tavern or shop license, or by any other person acting for or on his behalf, with any brewer, distiller, manufacturer or wholesale merchant which has the effect of imposing or is intended or purports to impose upon any such license holder any restriction whatsoever as to the person from whom or the locality in which liquor shall be purchased or supplied for sale in any tavern or shop shall be absolutely void and of no effect to all intents and purposes whatsoever.

Penalty.

(3) Every holder of a tavern or shop license, and every brewer, distiller, manufacturer or wholesale merchant who either by himself or by any person acting on his behalf hereafter gives or enters into or demands or requires or requests any other person to give or enter into any such covenant, contract, agreement, undertaking, stipulation or bargain, shall be guilty of an offence against this Act, and shall incur a penalty of \$500, besides costs.

Certain con-
tracts not
affected.

(4) Nothing in this section shall in any way affect any covenant, contract, agreement, undertaking, stipulation, or bargain heretofore entered into by a license holder or hereafter entered into by a transferee of any license, where on the 27th day of April, 1906, the then holder of the license in question was indebted to any brewer, distiller, manufacturer or wholesale merchant for money advanced, and the amount of such indebtedness or any part thereof is assumed by such transferee at the time of the transfer of the license. 6 Edw. VII. c. 47, s. 29.

TRANSFER OF LICENSES.

Transfer of
licenses.

21.—(1) If any person having lawfully obtained a license under this Part before the expiration of his license dies, or sells, or by operation of law or otherwise assigns his business, or removes from the house or place in respect of which the said license applies, his license shall, *ipso facto*, become forfeited, and be absolutely null and void to all intents and

purposes whatsoever, unless such person, his assigns or legal representatives within one month after the death, assignment or removal of the original holder of such license, or other period, in the discretion of the Board of the License District in which the license has effect, obtains its written consent, either to the continuance of the business, or to the transfer of such license to any other person, and thereupon forthwith transfers the same to such other person, who, under such transfer, may exercise the rights granted by such license, subject to all the duties and obligations of the original holder thereof, until the expiration thereof, in premises for which such license was issued and to which it applies, but in no other place.

(2) In every such case of a transfer of a tavern license, the person in whose favour any such transfer is to be made shall first produce to the Board a report of the Inspector similar to that mentioned in section 12. R.S.O. 1897, c. 245, s. 37 (1-2). On transfer of tavern license new report necessary.

(3) Upon receipt by the Inspector of an application for a transfer of a license, and pending the consideration and consent thereto by the Board, the Inspector may, subject to the regulations of the License Branch, within one month thereafter issue to the proposed transferee a provisional consent in writing, Form 4, under which the proposed transferee may exercise the rights granted by the license issued for the premises, until the consent in writing of the Board is obtained; but such provisional consent shall not operate or extend beyond one month from the time of the death of the original licensee or from the sale or transfer by the licensee or by operation of law, and shall not have any force or effect unless the same is countersigned by one member of the Board. R.S.O. 1897, c. 245, s. 37 (3); 9 Edw. VII. c. 82, s. 7. Provisional consent to a transfer of license.

(4) Where an application is made for a transfer of a license issued to a tavern or shop situate in a remote part of the License District, or where for any other reason the Board sees fit, it may dispense with the report of the Inspector, and act upon such information as may satisfy it in the premises. R.S.O. 1897, c. 245, s. 37 (4). Report of Inspector may be dispensed with.

REMOVAL OF LICENSE.

22.—(1) Any Inspector may, after resolution of the Board allowing the same, and subject to the provisions of subsection 13 of section 12, issue to the holder of any license, or his assigns or legal representatives, in the form provided by the Minister, a permit to remove from the licensed premises to other premises, to be described in an endorsement to be made by the Inspector on the license, and situate within the same municipality and possessing all the accommodation required by law. Inspector may consent to removal of tavern license to another house.

Effect of
such consent.

(2) Such permit shall authorize the holder of the license to sell the same liquor in the premises mentioned in the endorsement during the unexpired portion of the term for which the license was granted, in the same manner, and upon the same terms and conditions; but no such permission shall be granted unless and until the person applying therefor has filed with the Board a report of the Inspector containing the information required by law in case of application for a license.

Effect of
security.

(3) Any bond or security which such holder of a license may have given for any purpose relative to such license, shall apply to the premises to which such removal is authorized, but such permission shall not entitle him to sell at any other than such premises. R.S.O. 1897, c. 245, s. 38.

Mileage
to be paid
Inspector
in certain
cases.

23.—(1) Where the Inspector is required, in the case of an application for leave to transfer or remove a license, to make an inspection, under the next preceding two sections and to travel, in order to make such inspection, a distance of more than three miles from his office or residence, the person making such application for a transfer or removal shall pay to the Inspector, in addition to all other fees, the sum of ten cents per mile, one way, for his travelling expenses, and the same shall be deposited by the Inspector to the credit of the License Fund; but the Inspector may be allowed the same, or so much thereof as is necessary to pay the actual cost of his travelling expenses in order to make such inspection, upon his accounts being rendered and approved in the ordinary manner.

Except in
cities.

(2) This section shall not apply to city license districts. R.S.O. 1897, c. 245, s. 39.

WHERE LICENSE LAPSES.

How licenses
may be
granted for
premises
where for
any cause
the license
becomes
void, etc.

24. In case for any cause the license becomes void, or in case the term or interest of the holder of a license in the premises licensed ceases before the expiry of the license, or if the licensee absconds or abandons the premises, or becomes insolvent, the Board may grant a new license for the same premises, subject to the provisions of this Part, and upon such terms as to the payment or refund by the new licensee of the duty for the unexpired period to the person entitled thereto under the original license, or to his legal representatives, as to the Board may seem just. R.S.O. 1897, c. 245, s. 40.

FRAUD IN THE SALE OF LIQUORS.

Bottled
liquors not
to be mixed
in the bottle,
and bottles
not to be
refilled by
licensee.

25.—(1) Bottled liquors procured by the keeper of a licensed tavern for the purpose of supplying the same to customers or guests shall be kept while on the licensed premises in the bottles in which such liquors are delivered to such keeper and in no case shall any other liquor or any substance or liquid be put into any such bottle and no bot-

tle after being emptied of such bottled liquor shall be refilled either partially or wholly by the keeper of such licensed premises or any other person on his behalf for the purpose of supplying liquor or any substance or liquid to any customer or guest.

(2) No holder of a tavern or shop license shall use or permit to be used any sign or label upon any bottle, cask or other vessel in which liquor is kept for sale upon the licensed premises, which does not correctly and truly state the nature of the contents of such bottle, cask or other vessel, or which is in any manner calculated to mislead a customer or guest as to the nature, description or quality of such contents. Use of false labels, etc., prohibited.

(3) No holder of a tavern or shop license or any other person shall for any purpose whatsoever mix or permit, or cause to be mixed, with any liquor sold or supplied by him on the licensed premises as a beverage, any drug or any form of methylic alcohol or any crude unrectified or impure form of ethylic alcohol or other deleterious substance or liquid. 6 Edw. VII. c. 47, s. 26 (1-3). Mixture of drugs, etc., with liquor prohibited.

(4) No person, other than the manufacturer of the liquor, or persons acting under his authorization, shall attach or cause to be attached to any bottle, flask, cask or other vessel or package of spirituous liquor any label, stamp or other device containing any statement or information as to the name of the manufacturer of the liquor. 2 Geo. V. c. 55, s. 14. Labels as to name of manufacturer.

(5) Any person contravening any of the foregoing provisions of this section shall upon conviction for a first offence incur a penalty of not less than \$20 and not more than \$50 besides costs, and on default shall be liable to imprisonment for a period of three months, and upon conviction for a second offence shall incur a penalty of not less than \$50 nor more than \$100, and on default shall be liable to imprisonment for a period of six months, and upon conviction for a third offence shall be liable to imprisonment for a period of twelve months. Penalties.

(6) The Inspector or any special officer appointed by the Minister may at any time take from the liquors kept by the holder of a tavern or shop license upon the licensed premises sufficient thereof for the purpose of analysis to ascertain whether or not any of the provisions of this section have been contravened, and such special officer shall, if required before taking such liquor, produce the authority under which he acts in writing signed or purporting to be signed by the Minister. Taking samples to see that law observed.

(7) Section 130 shall apply to every Inspector or special officer acting under the provisions of this section. 6 Edw. VII. c. 47, s. 26 (4-6). Right of search.

Sales on
Exhibition
days.

Rev. Stats.
cc. 46, 47, 48,
R. S. O. 1897,
c. 43.

Licenses not
to be granted
to premises
within 300
feet of
church or
school.

26.—(1) The Board shall not grant any certificate for a license or any certificate whatsoever whereby any person can obtain or procure any license for the sale of liquor, on the days of the Exhibition of the Industrial Exhibition of Toronto, or of any exhibition held by any society formed under *The Agricultural Associations Act*, *The Agricultural Societies Act*, *The Horticultural Societies Act*, or *The Agriculture and Arts Act*, either on the grounds of such society, or within the distance of three hundred yards from such grounds.

(2) No license shall be granted under the provisions of this Act for the sale of liquor upon any premises, for which a license has not heretofore been granted, within 300 feet of a building occupied exclusively as a church or as a high school, public school, separate school, university, college or other public educational institution, to be measured from and to the main entrances, along the street or streets, or across the same at right angles, as the case may be. R.S.O. 1897, c. 245, s. 14.

TAVERN LICENSES.

Number.

When only
number may
be increased.

27.—(1) The number of tavern licenses to be granted in the respective municipalities shall not in each year exceed:

In a city, town or village,

(a) For the first 250 of the population, one tavern license;

(b) For each full 250 of the population above the first 250, one tavern license; but not more than three such licenses shall be granted for the first 1,000 of the population;

(c) For each full 600 over the first 1,000 of the population, one tavern license;

Number of
licenses in
county towns
of 2,500 or
less.

(2) Subsection 1 shall not apply to county towns having a population of 2,500 or less, as to which the limit shall be one for each full 250 for the first 1,000 of the population, and one for each full 400 over 1,000 of the population; but in any such county town the number of licenses which may be issued shall not be reduced by reason of any increase of the population of such town above the number of 2,500. R.S.O. 1897, c. 245, s. 18 (1), *part*; 6 Edw. VII. c. 47, s. 34.

Issue of
licenses after
repeal of
local option
by-law.

(3) Where a Local Option By-law has been in force in any municipality and is subsequently repealed, the number of tavern licenses which may in the year following such repeal be issued in the municipality, until a by-law is passed reducing such number, shall be limited as provided by subsections 1 and 2.

(4) In villages, being county towns, the limit may be five Exceptions.
in number. R.S.O. 1897, c. 245, s. 18; 9 Edw. VII. c. 82,
s. 4.

(5) Nothing in any special Act shall authorize the issue of Effect of
special Act.
any greater number of tavern licenses in any municipality
than is permitted by this section. 7 Edw. VII. c. 46, s. 7.

28.—(1) The council of every town, village or township Council may
limit num-
ber of
licenses.
may, by by-law to be passed before the 1st day of March in
any year, limit the number of tavern licenses to be issued
therein for the then ensuing license year beginning on the 1st
day of May, or for any future license year until such by-
law is altered or repealed, provided such limit is within the
limit imposed by this Part. R.S.O. 1897, c. 245, s. 20 (1);
1 Geo. V. c. 64, s. 20.

(2) No such by-law shall in a township or village be By-law not
void for
creating a
monopoly.
quashed or set aside on the ground only that a monopoly
has been created by such limitation. 1 Geo. V. c. 64, s. 10,
part.

(3) The council shall cause a certified copy of such by-law Copy of by-
law limiting
to be sent to
Commissioners.
to be sent immediately after the passing thereof to the Board
of the License District in which the municipality is situate,
and during the time such by-law is in force no greater num-
ber of licenses shall be issued than as therein limited. R.S.O.
1897, c. 245, s. 20 (2); 1 Geo. V. c. 64, s. 10, *part.*

(4) Notwithstanding the division of the municipality of Limiting
number of
licenses
in East and
West York.
the Township of York into East and West York, with a separ-
ate Board of License Commissioners for each, the council of
the township shall have the same powers under this Act that
it would have were the municipality not so divided, and the
council may pass a by-law limiting the number of licenses in
each of the two said subdivisions of East and West York
respectively and for the carrying out of the provisions of the
said Act in so far as it affects the Township of York.
3 Edw. VII. c. 7, s. 44.

SUSPENSION OF LICENSE IN CASE OF FIRE.

29.—(1) If the premises for which any tavern license has Suspension
of license
when prem-
ises destroyed
by fire, etc.
been granted are destroyed or so damaged by fire or otherwise
that it is impossible for the holder of such license to provide
the accommodation required by this Part, or by any by-law or
regulation in force in the municipality in which such premises
are situate, the license for such premises shall *ipso facto* be
suspended and be of no force or effect as to the premises so
destroyed or damaged until the Inspector has reported to the
Board that the said premises have been rebuilt or repaired to
the extent necessary to provide such accommodation; but in
that event a portion of the share received by the Province
of the license fee paid by the holder of such license may be
refunded to him out of the Consolidated Revenue Fund.

Transfer or
removal.

(2) Nothing in subsection 1 shall prevent the transfer or removal of such license in the manner provided by this Part. 6 Edw. VII. c. 47, s. 27.

PETITION AGAINST RENEWAL OF LICENSE IN RESIDENTIAL
LOCALITY.

Requisition
to Board to
decide as to
nature of
locality.

30.—(1) Any ten persons, being electors resident in the same polling subdivision in any city, may apply, in writing signed by them, to the Board requiring the Board to decide whether or not any premises for which a tavern license has been issued are situate in a residential and not a business locality.

Service of
notice.

(2) Notice of such application shall be personally served upon the owner and, if the owner is not the occupant, also upon the occupant, of such licensed premises at least two weeks before the application is delivered to the Board.

Decision of
Board.

(3) The Board, upon proof by statutory declaration of the service of the notice of application, shall, by resolution to be passed within one week after receiving the application, determine whether or not such licensed premises are situate in a residential and not in a business locality.

Petition
against
renewal of
license in
residential
locality.

(4) If the Board decides in the affirmative a petition signed by not less than seventy-five persons, being at least a majority in number of the electors in the polling subdivision, may, subject to subsection 5, be presented to the Board, praying that any tavern license issued for premises situate in such polling subdivision be not renewed, on the ground that the locality in which the same are situate is a residential and not a business locality.

Notice of
petition.

(5) At least one month before any petition is presented under this section a notice in writing, setting forth the substance of the petition, signed by at least ten electors resident in the polling subdivision, shall be personally served upon the owner of such licensed premises, and, if the owner is not also the occupant, then upon the occupant also of such licensed premises; and such notice shall, before the petition is presented, be published at least once a week for two successive weeks in some daily newspaper published in the city.

Service.

Publication.

Proof of
service.

(6) Service and publication of the notice shall be proved by statutory declaration attached to the petition.

When peti-
tion to be
presented.

(7) The petition shall be presented within two months after the service of notice of the intention to present the same and before the 1st day of April in the year in which such notice was served, and there shall be annexed thereto a certificate under the hand of the clerk and seal of the corporation, setting forth that the clerk has examined the petition and that there are subscribed thereto the names of at least a majority of the whole number of the electors in the polling subdivision.

(8) The signatures to the petition shall also be verified by the statutory declaration of at least one attesting witness. Proof of signature.

(9) The Board shall meet within one week after the receipt of the petition, and upon being satisfied that the provisions of the preceding subsections have been complied with, shall by resolution declare that the license for such premises shall not be renewed after the expiration of the next ensuing license year, and such license shall not be renewed, nor any other license in lieu thereof be granted to premises in the same locality, so long as the same is a residential locality. Consideration of petition—resolution of Board.

(10) Nothing in this section shall affect any powers which the Board has to cancel any license or refuse the renewal thereof, nor affect any right of petition, in respect of a license. Other powers of Board not affected.

(11) The word “electors,” where it occurs in this section, shall mean and include all persons whose names are entered in the last revised voters’ list of the municipality as entitled to vote at municipal elections. R.S.O. 1897, c. 245, s. 13. “Electors.”

Accommodation.

31.—(1) Subject to section 34 every tavern authorized to be licensed under the provisions of this Part shall contain and during the continuance of the license shall continue to contain in addition to what may be needed for the use of the family of the tavern-keeper, not less than four bedrooms, and in cities six bedrooms, together with, in every case, a suitable complement of bedding and furniture, and, except in cities and towns, there shall also be attached to the said tavern, proper stabling for at least six horses. Bedrooms and bedding.

(2) Such tavern shall form no part of, and shall not communicate by any entrance with any shop or store wherein goods or merchandise known as groceries or provisions are kept for sale; but this subsection shall not apply to taverns in townships unless so provided by by-law of the township council. R.S.O. 1897, c. 245, s. 27. Not to communicate with grocery.

(3) No tavern license shall be granted in respect of any house in any city, town or village not already licensed, unless such house has a separate front entrance, in addition to the entrance to the bar or place where liquors are sold. R.S.O. 1897, c. 245, s. 66. Entrance to hotel to be separate from bar.

32.—(1) In addition to the accommodation required by the last preceding section, each tavern shall be shown, to the satisfaction of the Board, to be a well-appointed and sufficient eating-house, with the appliances requisite for daily serving meals to travellers; and the requirements of this section shall apply to every tavern, without any exception whatever, and continuously for the whole period of the license. R.S.O. 1897, c. 245, s. 28. Every tavern to be an eating house.

One bar
only

(2) No more than one bar shall be kept in any house or premises licensed under this Act. R.S.O. 1897, c. 245, s. 65.

City or town
council may
prescribe
further
requirements
as to tavern.

33. The council of any city or town may, by by-law to be passed before the 1st day of March in any year, prescribe for the then ensuing license year beginning on the 1st day of May, any requirements in addition to those prescribed by the next preceding two sections, as to accommodation to be possessed by taverns, as the council may see fit; and the Board upon receiving a copy of such by-law shall be bound to observe the provisions thereof; and such by-law shall continue in full force for such year and any future year until repealed. R.S.O. 1897, c. 245, s. 29.

Licenses not
to be issued
where ac-
commodation
not provided.

Exception as
to certain
railway
restaurants.

34. No tavern license shall be issued to any tavern or other premises not having all the hotel accommodation required by law, but this shall not apply to an eating-house at or in a railway station for which a license has been issued and is now in force, and such license may hereafter in the discretion of the Board be issued although the premises in respect of which it is issued have not the hotel accommodation required by law. 9 Edw. VII. c. 82, s. 6.

Beer and
wine licenses
may be
issued.

35. Upon application to any Board by any one or more persons within any municipality within the jurisdiction of such Board for a beer and wine license the Board may, before the 1st day of May in any year, by resolution declare that any one or more of the tavern licenses which may be lawfully issued, and which are to be issued for the license year beginning on the 1st day of May of such year not exceeding the number so applied for, may be beer and wine licenses, and the Board may thereafter cause beer and wine licenses to be issued in any such municipality, not exceeding the number mentioned in such resolution; but nothing in any such resolution shall so limit the number of tavern or shop licenses as to prohibit within any municipality the sale of spirituous liquors; and nothing in such beer and wine license, or by reason of the granting thereof, shall authorize the holder thereof, his servants or agents, to sell, barter or otherwise dispose of any kind of intoxicating liquors other than those mentioned in such beer and wine license. R.S.O. 1897, c. 245, s. 22.

Liquors not
to be sold
by holder of
beer and
wine license.

Beer and
wine licenses.

36. A beer and wine license shall be construed to mean a tavern license for selling lager beer, ale, beer and porter and also native wines, manufactured in Ontario, containing not more than fifteen per cent. of alcohol, and light foreign wines containing not more than fifteen per cent. of alcohol but not including port, sherry or Madeira wine, in quantities of not more than one quart, to be drunk in the tavern in which the same is sold. R.S.O. 1897, c. 245, s. 23.

37. The holder of any such beer and wine license shall hold the same upon the terms and subject to all the conditions and penalties that apply to the holder of other tavern licenses; but such holder of a beer and wine license shall not sell, barter or give, or keep in the house or upon the premises for which such last mentioned license has been granted, any liquor for sale other than those thereby authorized; and as to such other liquor, the holder of such beer and wine license shall be deemed to be unlicensed, and section 132 shall apply. R.S.O. 1897, c. 245, s. 24.

Holder of
beer and
wine license
subject to
conditions of
tavern license.

38.—(1) If any holder of a beer and wine license, his servant, or agent, sells or barter, gives, or keeps in the house, or upon the premises, for which a license has been granted, liquor other than those mentioned in his license, for sale, or knowingly sells, or barter, gives or keeps in the house, or upon the premises for which a beer and wine license has been granted, native wine containing a greater quantity of alcohol than fifteen per cent. thereof, or light foreign wines containing a greater quantity of alcohol than fifteen per cent. thereof, or port, sherry, or Madeira wine, he shall incur the penalties provided by section 65; and in addition thereto upon a conviction for a second offence the Board may, by resolution, revoke and cancel his beer and wine license; and in the event of failure on its part so to do, application may be made by any resident of the municipality to the Judge of the County Court in the manner prescribed by section 81, which shall apply to such application, for an order to revoke and cancel the license; and if it appears to such Judge that the holder of any such beer and wine license has been twice convicted of having sold or given liquors other than those mentioned in the license, or of having kept the same upon or in the licensed premises, for sale, or of having knowingly sold or given native wine containing a greater percentage of alcohol than fifteen per cent. thereof, or light foreign wines containing a greater percentage of alcohol than fifteen per cent. thereof, or port, sherry or Madeira wine, as hereinbefore mentioned, or of having knowingly kept the same upon or in the licensed premises, the Judge shall make an order revoking and cancelling the license, and it shall be revoked and cancelled from the date of such order, or from the passing of the resolution by the Board.

Holder of
beer and
wine license
not to sell or
keep spirits
on premises
licensed.

(2) The percentage mentioned in the preceding subsection shall be determined by weight. R.S.O. 1897, c. 245, s. 25.

Determining
percentage.

(3) Any holder of a beer and wine license who has been convicted of selling liquor without the license therefor required by law, or contrary to the terms of his license, or of this Act, shall, in addition to any other penalty provided, if the Magistrate before whom the prosecution was heard, certifies that the offence was in his opinion, a wilful one, be disqualified from having or holding a liquor license for and

Persons
violating law
may be
disqualified
from holding
license.

during the then next succeeding license year, and any license granted to or obtained by any such person during such period shall be void. R.S.O. 1897, c. 245, s. 84.

Inspector may
test liquors
kept by
licensee.

(4) The Inspector may from time to time take from the liquors kept by a person holding a beer and wine license upon the premises sufficient thereof to determine whether they are of a different kind from those mentioned in the license, or contain more alcohol than is by law allowed. R.S.O. 1897, c. 245, s. 26.

Addition to
license fees
based on
receipts from
the bar.

§38. —(1) In addition to the license fees payable for a tavern license, other than a beer and wine license, there shall be payable by the license holder a sum in the case of each license equal to five per cent. of the amount by which the gross receipts from sales under the license, wherever made, together with sales of cigars, cigarettes, tobacco or drinks or drinkable liquids other than liquor, or of any service or privilege, when made over, at, in or from the bar or bar-room of the licensed premises or for use or consumption at or in such bar or bar-room, in each day exceed the sum of \$60, in the case of cities having a population of over 100,000 and \$50 in all other cases. 1 Geo. V. c. 64, s. 1.

Monthly
returns of
receipts from
gross sales.

(2) On or before the tenth day of each month the holder of each such license shall file with the Minister a statement verified by affidavit, made by such person or persons and in such form as may be directed by the Minister, of the amount of his gross sales as aforesaid for each day of the preceding month and shall accompany such statement with payment of the amount, if any, due for such month under the provisions of subsection 1, and the affidavit may be taken before a commissioner for taking affidavits, a notary public or a justice of the peace, or the License Inspector for the License District in which such license holder resides. 1 Geo. V. c. 64, s. 2; 2 Geo. V. c. 55, s. 11.

Penalty
for not
making
returns or
payments.

(3) Notwithstanding anything in this section any holder of a tavern license who makes default in the filing of any statement or in the making of any payment required by this section shall incur a penalty of \$10 for each day during which such default continues, and so for each such default, though running concurrently with other defaults, but such penalty or any portion thereof may be remitted by the Minister in his discretion.

Cancellation
of license.

(4) Upon the report of the Minister that any such default has continued for more than thirty days or that the statement filed by the license holder is false or that the license holder has failed after notice to comply with any regulation made pursuant to subsection 5, an Order in Council may be passed cancelling his license and it shall thereupon become null and void to all intents and purposes whatsoever; and such Order in Council may further provide for the disquali-

fication for any period not exceeding three years of the holder of such license from obtaining any further or other license under this Act. 1 Geo. V. c. 64, s. 3.

(5) The Lieutenant-Governor in Council may from time to time make regulations which shall have all the effect of a statute and shall take effect from the date of the making thereof and may, amongst other things,

Regulations by
Lieutenant-
Governor-in-
Council.

(a) require the keeping of accounts and the handling of cash by the license holder in such manner as may be directed and the furnishing by him of such further evidence as may be directed as to the correctness of the statement to be filed pursuant to this section;

(b) provide for the holding of investigations into the correctness of such statement with such provisions as to the taking of evidence on oath, the summoning of witnesses, the enforcing of their attendance and the giving of testimony by them and the compelling of the production of books and documents, the disposition of the costs of the investigation and otherwise as may be thought desirable;

(c) authorize entry upon the licensed premises, the examining and auditing of the accounts thereof and the taking over in whole or in part and for such time as may be required of the conduct of the business therein carried on for the purpose of enquiring as to the correctness of statements filed or to be filed pursuant to the provisions of this section, the whole with or without the consent of the holder of such license, and, if so directed, at his expense; and,

(d) without being limited to the particulars above set forth, contain such provisions as shall be deemed desirable for ensuring the better enforcement of this section, and also contain provisions applicable to the holders of any license under this Act of the same general character as the provisions above specified though not required for the purposes above stated; and

(e) provide for the enforcement of any of the regulations herein mentioned by suspension of the license of the holder in question until such holder has complied with such regulations. 1 Geo. V. c. 64, s. 4.

(6) The addition to the license duties made by this section shall not be taken into account in arriving at the sum payable for the transfer of a tavern license. 1 Geo. V. c. 64, s. 5.

Additional
duties not to
be considered.

Information
to be
confidential.

(7) Except as regards the total amount of license fees received under this section for each license district, information obtained under this section shall not be disclosed except to officers of the Government in the exercise of their duties. 1 Geo. V. c. 64, s. 6.

Application
of 6 Edw. VII.,
c. 47, s. 11.

(8) Subsection 5 of section 13 shall be read as applying to and having reference to the license fees otherwise payable and without the addition provided for in this section, and shall have full force and effect accordingly. 1 Geo. V. c. 64, s. 7.

Duties to be
payable for
use of the
Province.

(9) All sums payable under the provisions of this section shall be payable to the Treasurer of Ontario to and for the exclusive use of the Province. 1 Geo. V. c. 64, s. 8.

BARTENDERS' LICENSES.

* Bartender,
meaning of.

40.—(1) The expression "bartender" as used in this section shall mean and include any person who sells or supplies liquor in the bar-room or other place from which liquor is dispensed to any person whomsoever in or upon any premises in respect of which a tavern license has been issued under this Part.

Employment
of unlicensed
bartenders
prohibited.

(2) No keeper of a licensed tavern in any city or town or in any locality in territory without county organization (called in this section a licensee) shall employ any bartender, or permit any person to act as such in or upon his licensed premises, who is not, during the whole time he is employed, or permitted so to act, the holder of a bartender's license, as provided by this section.

Penalty.

(3) Any licensee who contravenes the preceding subsection shall, for every day or portion of a day, during which such contravention continues, incur a penalty of not less than \$10 nor more than \$20 or imprisonment for a period not exceeding one month.

Acting as
bartender
without
license.

(4) Any person acting as a bartender in any city or town or in any locality in territory without county organization without first having obtained a license, as in this section provided, shall incur the same penalties as those prescribed in the case of a licensee, in the next preceding subsection; and in any prosecution brought under this subsection the onus of proving that he holds a bartender's license shall rest upon the defendant.

Penalty for
violation
of law by
licensed
bartender.

(5) Any person holding a bartender's license who sells or delivers, or causes to be sold or delivered, any liquor in contravention of any of the provisions of this Act, or of any by-law or regulations made under this Act, to any person whomsoever, shall incur a penalty not exceeding \$20 or imprisonment for one month.

(6) In addition to any other penalty which may be imposed upon a bartender for any offence under this Act, the Board may forthwith cancel the license of such bartender, who shall not thereafter be eligible to receive another license under this Act for any purpose whatever during the current license year and upon a conviction for a second offence of any nature within two years the license of such bartender shall *ipso facto* become void and he shall not thereafter be eligible to hold any license under this Act for two years.

Cancellation
of licenses
for offences.

(7) No bartender's license shall be issued to any person who is not of the full age of twenty-one years and of good character.

Licenses not
to be issued
to minors or
persons not
of good
character.

(8) No bartender's license shall be issued to any woman.

Nor to a
woman.

(9) The bartender's license may be according to Form 14 and may, subject to the conditions in this section mentioned, be obtained at any time on application to the Inspector, on payment therefor of the sum of \$2; and the Inspector may for any cause which he may consider sufficient refuse to issue such license, but the issue or refusal of a license to a bartender shall in all cases be subject to the approval of the Board.

Form of
license, fee
thereon.

(a) Such license shall only be valid during the currency of the license year in which it is issued and shall expire on the 30th day of the month of April then next ensuing.

Term of
license.

(b) All fees received for bartenders' licenses shall be paid into the License Fund of the License District in which the same are issued.

Application
of fees.

(c) No bartender's license shall be valid in any License District other than that in which the same was issued, unless and until it has been endorsed by the Inspector of some other License District, and such endorsement (for which no charge shall be made) shall give validity to such license in the License District in which the Inspector, who has endorsed the same, has jurisdiction, if such license has not been cancelled prior to the endorsement, but such Inspector may for any cause which he may consider sufficient withhold such endorsement, subject to the approval of the Board.

Endorsement
of license by
Inspector of
another
district.

(d) Every Inspector who issues or endorses a bartender's license shall enter a memorandum of the same in a book to be provided for the purpose, and such entry, as well as the entry of a memorandum that any such license has been cancelled, shall be *prima facie* evidence of the facts therein stated; and instead of the production of the book containing such entry, the presiding justice may

Record of
licenses
issued.

receive a certificate of any such entry as aforesaid, purporting to be signed by the proper Inspector, without requiring proof of the signature of such Inspector.

Production
of license
upon request
of Inspector.

(9) Every licensed bartender shall produce his license forthwith on request of any Inspector or other official appointed by the Crown, or to any constable or police officer; and if such bartender refuses or neglects to make such production when required he shall incur a penalty not exceeding \$10 and costs and in default of payment shall be liable to imprisonment in the common jail of the county or district in which the offence was committed for any period not exceeding ten days, with or without hard labour.

Persons not
required to
produce license.

(10) Nothing in this section shall apply to or affect the sale or delivery of any liquor by the keeper of a licensed tavern, or by any male member of his family of the full age of twenty-one years, other than a domestic servant or other person in the employment of the licensee, nor shall anything in this section apply to or affect the delivery of liquor by any person in any place in a licensed tavern other than the bar-room or place from which liquor is dispensed.

Temporary
employment
of unlicensed
persons.

(11) Notwithstanding anything in this section, a licensee may, in a case of temporary emergency, employ as bartender any male person of the full age of twenty-one years; but such employment shall not be upon more than two days, not necessarily consecutive, in any one month. 6 Edw. VII. c. 47, s. 6.

SHOP LICENSES.

Shop licenses
to whom
granted.

41. A shop license shall not be granted to any person unless he has filed his application with the Inspector on or before the 1st day of April in that year, and has given the security required by section 13, and the Inspector has reported to the Board that he is a person of good character and that his shop and premises are suitable for carrying on a reputable business. R.S.O. 1897, c. 245, s. 31.

Number of
shop licenses
limited and
licenses may
be subject to
certain
restrictions.

42.—(1) The council of every town, village or township may, by by-law to be passed before the 1st day of April in any year, limit the number of shop licenses to be granted therein for the then ensuing license year, beginning on the 1st day of May, and, by such by-law or any other by-law passed before the 1st day of April, may impose any restrictions upon the mode of carrying on such traffic as the council may think fit, and such last-mentioned by-law may be made to come into force on the 1st day of May then next ensuing or on the 1st day of May of the succeeding year; and any such by-law so passed shall not be repealed during the three years next after the year in which the same comes into force. R.S.O. 1897, c. 245, s. 32 (1); 2 Geo. V. c. 55, s. 3.

(2) The clerk of a municipality in which such a by-law has been passed shall immediately after the passing of such by-law, send a certified copy thereof to the Board within whose License District the municipality is situate, and such by-law shall be binding upon the Board, and any shop license to be issued shall conform to the provisions thereof; and such by-law shall remain in force for any future year until repealed.

Certified copy to be sent to license commissioners.

(3) Any clerk who neglects, omits or refuses to send such certified copy shall incur a penalty of not less than \$40 nor more than \$100.

Penalty for neglect.

(4) All the provisions regarding the closing of licensed taverns and regarding sales and evidences of sales therein during prohibited hours shall apply to shops licensed in any municipality after the by-law secondly provided for in subsection 1 has come into force. R.S.O. 1897, c. 245, s. 32 (2-4).

Prohibited hours.

43.—(1) No shop license shall be granted to any person to sell liquor in any store, shop, place, or premises where groceries or other merchandise, other than mineral or aerated waters not containing spirits, ginger ale, liquor cases, bottles or liquor baskets, or packages, taps or faucets, are sold or exposed for sale, or in any store, place or premises connected by any internal communication with such first-mentioned store, shop, place or premises.

Limitation on issue of shop licenses.

(a) Nothing in this subsection shall prevent the holder of a shop license from keeping and selling cigars, in unbroken packages of not less than fifty cigars or fifty cigarettes, or five pounds of tobacco, to be taken away, and not to be used or consumed upon the premises.

Sale of cigars, cigarettes and tobacco in shops.

(2) If any commodity or goods, save as aforesaid, are sold or exposed for sale in any premises for which a shop license has been issued the license shall be void, and the holder of the license may be convicted of selling liquor without a license, upon proof that any commodity or goods, save as aforesaid, are exposed for sale or sold at such shop; and such conviction shall be conclusive evidence that such person has ceased to be the holder of a license. R.S.O. 1897, c. 245, s. 33 (1-2).

License void if other goods sold.

(3) The aforesaid mineral or aerated waters or ginger ale shall only be sold in original packages, and shall not be allowed to be consumed upon the licensed premises, under the same penalty as is provided for a breach of section 58. R.S.O. 1897, c. 245, s. 33 (3); 10 Edw. VII. c. 94, s. 1.

Mineral waters not to be consumed upon licensed premises.

CLUBS.

44.—(1) No liquor shall be sold or supplied by any incorporated society, association, or club, heretofore or hereafter formed, or by any member, officer or servant thereof, to any

Clubs not to sell without a license.

member of such society, association or club, or to any other person unless and until a license for the sale of liquor by such society, association or club has been duly issued as hereinafter provided. 6 Edw. VII. c. 47, s. 28 (1).

Fee for club
license.

(2) A license to be known as a "Club License" may upon application therefor be issued at any time by the Board to any such society, association or club which is not by its charter of incorporation or otherwise prohibited from selling liquor to its members, upon payment of a fee of \$50, and such license shall remain in force until the 30th day of April then next ensuing, but the provisions of this Part, not expressly made applicable to such societies, associations or clubs, shall not apply thereto. 6 Edw. VII. c. 47, s. 28 (2); 9 Edw. VII. c. 82, s. 46.

Liquor not
to be sold
to non-
members or
minors.

(3) Nothing in this Act shall authorize the sale of liquor upon the premises of any such society, association or club to any person who is not a member thereof, nor to any person who is not of the full age of twenty-one years. 6 Edw. VII. c. 47, s. 28 (3).

Licenses not
to be granted
unless sale
authorized
by charter.

(4) No license shall be granted under this section to any society, association or club, which is prohibited by this Act, or by its charter of incorporation, or otherwise, from selling or supplying liquor to its members; nor shall any such license be granted to any society, association or club formed or incorporated under *The Act respecting Benevolent, Provident and other Societies*, being Revised Statutes of Ontario, 1897, chapter 211, and no license under this section shall be granted to any society, association or club not incorporated under the laws of the Province of Ontario until the consent in writing of the Minister to the granting of such license has been filed with the Board. 6 Edw. VII. c. 47, s. 28 (4); 7 Edw. VII. c. 46, ss. 2 and 9.

Certain clubs
or societies
not to sell
liquors.

45.—(1) Any unincorporated society, association or club and any member, officer or servant thereof, or person resorting thereto, that sells liquor to any member thereof or to any other person without the license prescribed therefor by this Part, shall be held to have violated section 48 and shall incur the penalties provided for the sale of liquor without license. R.S.O. 1897, c. 245, s. 53 (1); 7 Edw. VII. c. 46, s. 4.

Keeping of
liquor by
clubs or
societies a
violation of
section 49.

(2) The keeping or having in any house or building, or in any room or place occupied or controlled by such club, association or society, or any member or members thereof, or by any person resorting thereto, of any liquor for sale shall be a violation of section 49.

Consumption
of liquor
evidence of
sale.

(3) Proof of consumption or intended consumption of liquor in such premises by any member of such club, association or society, or person who resorts thereto, shall be conclusive evidence of sale of such liquor, and the occupants of the premises or any member of the club, association or society, or

person who resorts thereto, shall be taken conclusively to be the person who has or keeps therein such liquor for sale; and any liquor found upon such premises shall be liable to seizure in the manner provided by this Act. R.S.O. 1897, c. 245, s. 53 (2-3).

REGULATIONS AND PROHIBITIONS.

46. Every license shall be constantly and conspicuously exposed in the shop or in the bar-room of the tavern in respect of which it has been granted under a penalty of \$5 for every day's wilful or negligent omission so to do, to be recovered with costs from the license holder so making default. R.S.O. 1897, c. 245, s. 47. Licenses to be kept exposed. Penalty.

47.—(1) Every person who keeps a tavern in respect of which a tavern license, except a beer and wine license, is in force, shall exhibit over the door of such tavern a sign bearing in large letters the words, "*Licensed to sell wine, beer and other spirituous or fermented liquors.*" R.S.O. 1897, c. 245, s. 48, part. Tavern keepers to exhibit notice of being licensed.

(2) In the case of the holder of a beer and wine license such sign shall bear in large letters the words, "*Licensed to sell beer and wine.*" Beer and wine licenses.

(3) Any person failing to comply with this section shall incur a penalty of \$5 with costs. R.S.O. 1897, c. 245, s. 48, part. Penalty.

48.—(1) No person shall sell by wholesale or retail any liquor without having first obtained a license under this Act authorizing him to do so; but this section shall not apply to sales under legal process or for distress, or sales by assignees in insolvency. No person shall sell liquors without license.

(2) No person unless duly licensed shall by any sign or notice hold himself out to the public as so licensed; and the use of any sign or notice for this purpose is hereby prohibited. Nor hold himself out as licensed.

(3) Subject to the provisions of section 21 and pending the proceedings therein mentioned, no penalty shall be incurred under this section by the heirs, executors, administrators or assigns of any licensed person who dies before the expiration of his license, or by the assignee or trustee of any licensed person who is insolvent or whose affairs are in process of liquidation during the currency of his license, in respect of the sale or exposure for sale of any liquor, if such sale or exposure for sale is made on the premises specified in such license and in the quantities therein authorized. R.S.O. 1897, c. 245, s. 49. Carrying on business for estate of licensee.

Persons not
to keep
spirituous,
etc., liquors
for sale unless
licensed.

49. No person shall keep or have in any house, building, shop, eating-house, saloon, or house of public entertainment, or in any room or place whatsoever, any liquor for the purpose of selling therein, unless duly licensed under the provisions of this Act; nor shall the occupant of any such shop, eating-house, saloon, or house of public entertainment, or any livery stable or other building to which the public are in the habit of resorting, unless duly licensed, permit any liquor whether sold by him or not, to be consumed upon the premises, by any person other than members of his family or employees, or guests not being customers. R.S.O. 1897, c. 245, s. 50; 3-4 Geo. V. c. 54, s. 3.

PROHIBITED SALES.

Sales
between
7 p. m. on
Saturday
and 8 a. m.
on Monday.

50. Subject to the provisions hereinafter contained, in every place where liquor is authorized to be sold by wholesale or retail, no sale or other disposal of liquor shall take place therein, or on the premises thereof, or out of or from the same, to any person whomsoever from or after the hour of seven of the clock in the afternoon of Saturday until eight of the clock in the forenoon of Monday thereafter, save and except in cases where a requisition for medical purposes, signed by a legally qualified medical practitioner, is produced by the vendee or his agent; nor shall any liquor, whether sold or not, be permitted or allowed to be drunk in any such place during the time prohibited for the sale of the same except by the occupant or some member of his family, or lodger in his house. 6 Edw. VII. c. 47, s. 13, *part*; 8 Edw. VII. c. 54, s. 1; 3-4 Geo. V. c. 54, s. 4.

Other pro-
hibited sales.

51. No sale or other disposal of liquor shall take place in any place where liquor is authorized to be sold by wholesale or retail, or on the premises thereof, or out of or from the same to any person whomsoever, save and except in cases where a requisition for medical purposes, signed by a legally qualified medical practitioner, is produced by the vendee or his agent, nor shall any such liquor whether sold or not, be permitted or allowed to be drunk in any such place, except by the occupant or some member of his family or lodger in his house, during the hours and upon the days following, that is to say:—

Closing hour
on ordinary
days.

(a) Between the hour in villages, townships and unorganized territory of ten o'clock, and in cities and towns of eleven o'clock, in the afternoon of any day of the week other than Saturday and Sunday and the hour of eight o'clock in the forenoon of the next day upon which liquor may be lawfully sold in such place;

Christmas
day and
polling days.

(b) During Christmas Day or any day on which a poll is being held throughout the municipality or in the electoral district or ward in which such place

is situate for or at any Parliamentary election or election of a member of the Legislative Assembly, or any municipal or school election, or under any Act of the Parliament of Canada, or of this Legislature or any municipal by-law respecting the prohibiting, restricting, regulating or affecting in any manner the sale of liquor. 6 Edw. VII. c. 47, s. 13, *part*; 8 Edw. VII. c. 54, s. 2; 10 Edw. VII. c. 94, s. 4; 3-4 Geo. V. c. 54, s. 5.

52.—(1) The keeper of any licensed tavern in a city, town or village, shall keep the bar-room or room in which liquor is trafficked in, closed as against all persons, other than those permitted to enter the same under clauses (a) and (b) of this section, during the hours or on the days in which the sale of liquor is prohibited by sections 50 and 51; and any keeper of such licensed tavern who allows or suffers any person or persons to frequent or to be present in such bar-room or room in which liquor is trafficked in during such hours or on such days, shall be guilty of an offence under this Act, unless it is established to the satisfaction of the police magistrate or other justice or justices before whom the prosecution is heard

Bar-rooms
to be kept
closed during
prohibited
hours.

(a) that the person so found frequenting, or present in the bar-room where liquor is trafficked in, as aforesaid, was at the time he or she so frequented or was present in such bar-room, a member of the family or household (other than a lodger, boarder, or guest) or a servant, or employee of such keeper actually engaged in necessary domestic occupation or service within the said bar-room; or

(b) that such person was present therein lawfully engaged in receiving or supplying liquor which might lawfully be sold during said prohibited hours. 6 Edw. VII. c. 47, s. 13, *part*; 9 Edw. VII. c. 82, s. 8.

(2) The word "keeper" when used in this section shall include the person actually contravening the provisions of this section, whether acting on behalf of himself or of another or others, and the actual offender as well as the keeper of the licensed tavern shall personally incur the penalties imposed for the contravention of this section; and at the prosecutor's option the actual offender may be prosecuted jointly with or separately from the keeper, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other of them therefor. 6 Edw. VII. c. 47, s. 13, *part*.

"Keeper,"
meaning of.

(3) The keeper of any licensed tavern who knowingly permits any liquor sold or otherwise disposed of on the licensed premises to be removed from such premises shall be guilty of an offence against this Part.

Keeper
allowing
liquor to be
sold for
removal.

Purchaser
of liquor
removed.

(4) Any person who having purchased or received any liquor at, or in a licensed tavern removes the same from the licensed premises in which the said liquor was so sold or received shall be guilty of an offence against this Part.

Medical
requisition.

(5) The provisions of the next two preceding subsections shall not apply in any case in which a requisition for medical purposes signed by a legally qualified medical practitioner is produced by the vendee or his agent, but such requisition shall not authorize the sale or delivery of more than six ounces. 3-4 Geo. V. c. 54, s. 6.

When person
other than
keeper of
house guilty.

53. Any person so found in the bar-room, or who has been present therein during the prohibited hours mentioned in the preceding section, and who does not come within the exceptions stated in that section, shall be guilty of an offence under this Act, and upon conviction thereof shall be liable to a penalty for each offence of not less than \$2 nor more than \$10, with costs and in default of payment thereof the defendant may be imprisoned for a period not exceeding thirty days. R.S.O. 1897, c. 245, s. 57.

Canvassing,
etc., by shop
licensees
prohibited.

54. Every person, whether licensed or unlicensed, who, by himself, his servant, or agent canvasses for, or receives, or solicits orders for liquor within any municipality in which a Local Option By-law is in force shall be guilty of an offence against this Act and shall incur the penalties provided for the sale of liquor without the license required by this Act. 6 Edw. VII. c. 47, s. 19; 9 Edw. VII. c. 82, s. 39.

Obtaining
liquor at
prohibited
times an
offence.

55.—(1) Every person, not being the occupant or a member of his family or a lodger in his house, who buys or obtains, or attempts to buy or obtain intoxicating liquor during the time prohibited by this Act for the sale thereof, in any place where the same is or may be sold by wholesale or retail, shall be guilty of an offence under this Act, and shall incur a penalty for each offence of not less than \$2 nor more than \$10, besides costs. R.S.O. 1897, c. 245, s. 59 (1).

Power to
exempt
witness from
penalty.

(2) Notwithstanding anything in this Act, any magistrate before whom any information or complaint is laid or made for the prosecution of any offence against any of the provisions of this Act, may, having regard to the demeanour of any witness and his mode of giving his evidence, by certificate in that behalf exempt such witness from the operation of subsection 1 and from all proceedings and penalties thereunder in respect of the subject matter of such information or complaint. R.S.O. 1897, c. 245, s. 59 (2); 9 Edw. VII. c. 82, s. 10.

Purchaser of
liquor when
guilty of an
offence.

56. The purchaser of any liquor from a person who is not licensed to sell the same, or any person who drinks upon the premises liquor so purchased, at the time of the purchase

thereof, shall be guilty of an offence under this Act. R.S.O. 1897, c. 245, s. 60.

57.—(1) If it is made to appear to the magistrate before whom any complaint under this Act is heard, that the person charged with the violation of section 55 or section 56 was acting as an officer whose duty it was to enforce the liquor license laws, or was acting under the instructions or authority of any Board, Inspector or Provincial officer, for the purpose of detecting a known or suspected offender against the liquor license laws, and of obtaining evidence upon which he might be brought to justice, the defendant shall not be convicted. R.S.O. 1897, c. 245, s. 61; 9 Edw. VII. c. 82, s. 11.

Provision where alleged violation of ss. 55 or 56 is committed in detecting breach of law.

(2) If upon any prosecution under this Act or under any regulation or by-law made or passed under this Act it appears from the evidence of any witness that such witness was unlawfully present at the time or place at which the offence was committed or did unlawfully procure or attempt to procure liquor at such time or place the magistrate before whom the prosecution is brought may, having regard to the demeanour of the witness and his mode of giving evidence, by certificate in that behalf exempt such witness from prosecution for such unlawful act; but no such exemption shall be granted to any person charged with the unlawful keeping for sale or other disposal of liquor nor to the keeper or occupant of premises upon which the offence in respect of which the prosecution is brought is alleged to have been committed. 6 Edw. VII. c. 47, s. 18.

Protection of witness who admits unlawful act.

58.—(1) No person holding a shop license shall allow any liquor sold by him or in his possession to be consumed within his shop, or within the building of which such shop forms part, or which communicates by any entrance with such shop, either by the purchaser thereof, or by any other person not usually resident within such building.

Shop license not to authorize liquor sold to be consumed in the house.

(2) Every person who contravenes the provisions of this section shall incur the penalty imposed by section 65. R.S.O. 1897, c. 245, s. 62, *part*.

Penalty.

59.—(1) No person shall by himself or his partner, servant, clerk, agent or otherwise, sell or deliver liquor of any kind to any person not entitled to sell liquor and who sells such liquor, or who buys for the purpose of re-selling, and any contravention of the foregoing provision shall be an offence under this Act.

Prohibition of sale to unlicensed persons.

(2) No person shall be convicted under this section who establishes to the satisfaction of the magistrate before whom the prosecution is heard that he had reason to believe and did believe that the person to whom the liquor was sold or delivered was licensed to sell such liquor, or did not sell liquor

Sale in good faith.

unlawfully, or did not buy to re-sell. R.S.O. 1897, c. 245, s. 64 (1-2).

Licensee not to purchase certain articles, or receive them in pledge.

60.—(1) If any person holding a license purchases from any person any wearing apparel, tools, implements of trade or husbandry, fishing gear, household goods, furniture, or provisions either by way of sale or barter, directly or indirectly, the consideration for which, in whole or in part, is any liquor or the price thereof, or receives from any person any goods in pawn, any police magistrate, or any two justices of the peace, on sufficient proof on oath being made before him or them of the facts, may issue his or their warrant for the restitution of all such property, and for the payment of costs; and in default thereof the warrant shall contain directions for the levying by sale of the offender's goods to the value of such property so pawned, sold, or bartered, and costs, and the offender shall also incur a penalty not exceeding \$20. R.S.O. 1897, c. 245, s. 67.

Restitution may be ordered and enforced.

Taking or cashing time cheques for wages.

(2) No tavern or shop licensee shall by himself or by any one on his behalf take or receive in payment or part payment for liquor, or cash or convert into money any time cheque, pay cheque, or order for money or money's worth issued in payment of wages or as a voucher therefor to any person not in the employment of such licensee. 2 Geo. V. c. 55, s. 5.

OFFENCES AND PENALTIES.

Not lawful to take money for certificate, etc.

61.—(1) No Board of any License District, nor any member of such Board, nor any Inspector, either directly or indirectly, shall receive, take, or have any money whatsoever, for any certificate, license, report, matter or thing connected with or relating to any grant of any license, other than the sum to be paid therefor as the fee under the provisions of this Part, or receive, take or have any note, security or promise for the payment of any such money or any part thereof from any person whomsoever.

Penalty.

(2) Any person guilty of, or concerned in, or party to any act, matter or thing contrary to the provisions of this section, or of subsections 1 and 3 of section 13 and section 26 shall for every such offence incur a penalty to and for the use of His Majesty, of not less than \$50, nor more than \$100, besides costs. R.S.O. 1897, c. 245, s. 68.

Penalty for issuing any license contrary to this Act.

62. Any member of a Board or any Inspector, officer or other person, who, contrary to the provisions of this Act, knowingly issues, or causes or procures to be issued, a tavern or shop license, or a certificate therefor, shall, for each offence incur a penalty of not less than \$40, or more than \$100, and in default of payment the offender may be

imprisoned in the common gaol of the county in which the conviction takes place for a period not exceeding three months. R.S.O. 1897, c. 245, s. 69.

63. If an officer of any municipal corporation is convicted of having knowingly committed any offence under this Act, he shall, in addition to any other penalty to which he may be liable under this Act, thereby forfeit and vacate his office and shall be disqualified from holding any office in any municipality in Ontario for two years thereafter. R.S.O. 1897, c. 245, s. 70.

Forfeiture of office by municipal officer if convicted.

64.—(1) If a member of any municipal council is convicted of having knowingly committed any offence under this Act, he shall, in addition to any other penalty which he may incur under this Act, thereby forfeit and vacate his seat, and shall be ineligible to be elected to or to sit or vote in any municipal council for two years thereafter.

Forfeiture of office by member of council if convicted.

(2) If any such person, after such forfeiture, sits or votes in any municipal council, he shall incur a penalty of \$40 for every day he so sits or votes. R.S.O. 1897, c. 245, s. 71.

Penalty.

65.—(1) Any person who keeps for sale or sells or barter liquor without the license to sell the same required by law, shall for the first offence, on conviction thereof, incur a penalty of not less than \$100, besides costs, and not more than \$500 besides costs; and in default of payment thereof shall be imprisoned in the common gaol of the county in which the offence was committed, for a period of not less than three months, and be kept at hard labour, in the discretion of the convicting magistrate.

Penalty for selling without license.

(2) For a second or any subsequent offence any person so offending shall upon conviction be imprisoned for a period of four months, to be kept at hard labour in the discretion of the convicting magistrate. R.S.O. 1897, c. 245, s. 72; 9 Edw. VII. c. 82, s. 12; 2 Geo. V. c. 55, s. 2.

Punishments for second and subsequent offences.

66.—(1) Offences against section 50 shall be punishable

(a) for the first offence by a fine of not less than \$50 nor more than \$100, or imprisonment for one month;

Between 7 p. m. on Saturday and 8 a. m. on Monday.

(b) for the second offence by a fine of not less than \$100 nor more than \$200, or imprisonment for three months;

(c) for the third offence by a fine of not less than \$200 nor more than \$400, or imprisonment for five months.

(2) Offences against section 51 shall be punishable

At other unlawful times.

- (a) for the first offence by a fine of not less than \$40 nor more than \$60, or imprisonment for twenty days;
- (b) for the second offence by a fine of not less than \$60 nor more than \$100, or imprisonment for forty days;
- (c) for the third offence by a fine of not less than \$100 nor more than \$200, or imprisonment for three months. 6 Edw. VII. c. 47, s. 14.

Medical practitioner not to give a requisition for liquor colourably.

67. Any medical practitioner who colourably gives a certificate or requisition for medical purposes, without which liquor could not be lawfully obtained to enable or for the purpose of enabling any person to obtain liquor to drink as a beverage, shall, for the first offence, incur a penalty of not less than \$10 nor more than \$20, and for a second or any subsequent offence, of not less than \$20 nor more than \$40. R.S.O. 1897, c. 245, s. 74; 6 Edw. VII. c. 47, s. 25 (5); 9 Edw. VII. c. 82, s. 13.

No person shall be obtaining liquor for medical purposes—particulars to be stated.

68.—(1) No holder of a tavern or shop license and no druggist shall sell or give, or supply liquor to any person upon the requisition of a medical practitioner unless such requisition is dated and addressed to him by name and states the kind and quantity of liquor and the purpose for which it is to be supplied and the name and address of the person to whom it is to be delivered, and if such person is not the person for whose use the liquor is to be procured, then the name and address of such last mentioned person. 6 Edw. VII. c. 47, s. 25 (1); 9 Edw. VII. c. 82, ss. 14, 40, *part*.

Limit of quantity.

2) No such requisition shall authorize the sale or delivery to any person by a druggist or by the holder of a tavern or shop license of more than six ounces of liquor. 9 Edw. VII. c. 82, s. 41; 1 Geo. V. c. 64, s. 12.

Liability for obtaining improper requisition.

3) Every medical practitioner who gives any such requisition without stating therein the particulars required by subsection 1 shall be guilty of an offence against this Act and shall incur the penalties provided by section 67. 6 Edw. VII. c. 47, s. 25 (2); 9 Edw. VII. c. 82, ss. 14, 40, *part*.

Liability for acting on improper requisition.

(4) Every holder of a tavern or shop license and every druggist who sells or supplies liquor to any person upon any such requisition in contravention of subsection 1 shall be guilty of an offence against this Act, and shall incur the same penalties as if such liquor had been sold or supplied without the requisition of a legally qualified medical practitioner. 6 Edw. VII. c. 47, s. 25 (3); 9 Edw. VII. c. 82, ss. 14, 40, *part*.

(5) Every requisition given under this Act by a medical practitioner shall be filed by the holder of a tavern or shop license or druggist to whom the same is delivered and shall at all times be open to inspection by the Inspector or by any Provincial officer on demand and to the inspection of any other person appointed by the Minister who produces the written authority of the Minister appointing him or directing such inspection. 6 Edw. VII. c. 47, s. 25 (4); 9 Edw. VII. c. 82, ss. 14, 40, *part*, 42.

Requisition
to be filed
and be open
for inspection.

69.—(1) Every tavern keeper failing or refusing, either personally or through any one acting on his behalf, except for some valid reason, to supply lodging, meals, or accommodation to travellers, shall for each offence incur a penalty not exceeding \$20. R.S.O. 1897, c. 245, s. 75.

Penalty for
refusing
lodging, etc.

(2) No tavern keeper shall be compellable to supply liquor to any person whomsoever except upon the order of a legally qualified medical practitioner. 2 Geo. V. c. 55, s. 6.

Tavern
keeper not
compellable
to supply
liquor.

(3) Every tavern keeper failing or refusing to obey the written directions of a Provincial Inspector given under the provisions of section 126 shall, for each day during which such failure or refusal continues, incur a penalty of \$5 and costs, and upon the report of such Provincial Inspector that any such tavern keeper has for a period of thirty days neglected to comply with such written directions or any of them an Order in Council may be passed cancelling the license held by such tavern keeper, and the same shall thereupon become null and void to all intents and purposes whatsoever. 9 Edw. VII. c. 82, s. 15.

Penalty for
refusing to
obey Inspect-
or's direc-
tions as to
accommoda-
tion.

70.—(1) If any person licensed under this Act permits drunkenness, or any violent, quarrelsome, riotous or disorderly conduct to take place on his premises, or sells, or delivers liquor to any drunken person, or permits and suffers any drunken person to consume any liquor on his premises or permits and suffers persons of notoriously bad character to assemble or meet on his premises, or suffers any gambling or any unlawful game to be carried on on his premises, he shall incur a penalty of not less than \$10 nor more than \$50. R.S.O. 1897, c. 245, s. 76.

Penalty for
permitting
drunken-
ness, etc.

(2) Any person so licensed may, if he has reasonable ground to suspect from the conduct of any person who has come upon his licensed premises, although not of notoriously bad character, that such person is present for some improper purpose, may request him or her to immediately leave such premises, and unless the request is forthwith complied with such person may be forcibly removed. 2 Geo. V. c. 55, s. 7.

When tavern
keeper may
request
persons to
leave
premises.

71.—(1) Every person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises which are used for public entertainment or resort or as a refreshment house,

Penalty for
internal
communica-
tions with
unlicensed
premises used
for public
resort.

shall incur a penalty of not less than \$10 nor more than \$50 for every day during which such communication remains open.

Penalty for allowing internal communication with premises in which other goods are sold.

(2) Any licensed shop-keeper who makes or uses or allows to be made or used, any internal communication between his licensed premises and any shop or premises in which other goods are sold, shall incur a penalty upon conviction for the first offence of not less than \$20 nor more than \$50 for every day, or part of a day, upon which such communication remains open, and in default of payment thereof, shall be imprisoned in the common gaol of the county in which the offence was committed, for a period of not less than one month, to be kept at hard labour in the discretion of the convicting Justice, and for a second offence upon conviction thereof his license shall, *ipso facto*, become forfeited and void. R.S.O. 1897, c. 245, s. 77.

Penalty for supplying liquor to minors.

72.—(1) Any person who gives, sells or otherwise supplies liquor to any person apparently or to the knowledge of the person giving, selling or otherwise supplying the same under the age of twenty-one years shall incur a penalty of not less than \$10 nor more than \$50, besides costs, or imprisonment for a period not exceeding three months, but nothing in this section shall apply to the supplying of liquor to a person under the age of twenty-one years by the parent, guardian or physician of such person. 7 Edw. VII. c. 46, s. 8.

Minors loitering in bar-rooms, etc.

(2) Any licensed person who, without proper cause suffers or permits any person of either sex, apparently or to the knowledge of such licensed person under the age of twenty-one years, unaccompanied by his or her parent or guardian, and not being a resident on the premises of such licensed person or a *bona fide* lodger or boarder, without good or sufficient reason, to linger or loiter in or about any bar-room or other room on such premises in which liquor is dispensed, shall for every such offence incur a penalty of not less than \$2 nor more than \$10, besides costs; and any such person so lingering or loitering as aforesaid without good and sufficient cause, and who is not a resident on the premises or a *bona fide* lodger or boarder, or who is not accompanied by his or her parent or guardian, shall incur a penalty of not less than \$2 nor more than \$10, besides costs. R.S.O. 1897, c. 245 s. 78 (4).

Minor compellable to disclose name of person who sold to him.

(3) Where upon any prosecution under this section for selling or supplying liquor it has been proved that liquor has been sold or supplied to a person under the age of twenty-one years, such person shall be compellable to disclose upon oath the name of the person from whom such liquor was obtained and the date when the same was so sold or supplied, and in case of a refusal he shall be guilty of an offence and may upon the order of the magistrate before whom the prose-

cution is brought be forthwith imprisoned for any period not exceeding three months unless he sooner discloses such information and pays the costs of his committal; and for the purpose of making such disclosure, he may at any time be brought before the same or any other magistrate or may disclose the said information by affidavit. 9 Edw. VII. c. 82, s. 16.

73.—(1) If any person having a license to sell liquor not to be drunk on the premises, himself takes or carries or employs or suffers any other person to take or carry, any liquor out of or from the premises of such licensed person for the purpose of being sold on his account or for his benefit or profit, and of being drunk or consumed in any other house, tent, shed or other building of any kind whatever, belonging to such licensed person or hired, used or occupied by him, or on or in any place whether enclosed or not, and whether or not a public thoroughfare, such liquor shall be deemed to have been consumed by the purchaser thereof, on the premises of such licensed person, with his privity and consent, and such licensed person shall incur the penalty provided by this Act.

Punishment for allowing liquor to be unlawfully consumed on premises.

(2) In any proceeding under this section it shall not be necessary to prove that the premises, or place, or places to which such liquor is taken to be drunk belonged to or were hired, used or occupied by the seller, if proof be given to the satisfaction of the court hearing the case, that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of the license. R.S.O. 1897, c. 245, s. 79.

What proof of offence sufficient.

74.—(1) If any purchaser of any liquor from a person who is not licensed to sell the same to be drunk on the premises, drinks, or causes or permits any other person to drink such liquor on the premises where the same is sold, the seller of such liquor shall, if it appears that such drinking was with his privity or consent, incur for the first offence a penalty of not more than \$20, and for a second and any subsequent offence a penalty of not less than \$10 nor more than \$50.

Case of purchaser drinking liquor on premises where bought, etc.

First offence.

Second or subsequent offence.

(2) Any purchaser of liquor in a house or premises to which a shop license or wholesale license applies, who drinks or causes any one to drink, or allows liquor to be drunk in the shop or premises where the same has been purchased, shall be liable to a penalty of not less than \$10 nor more than \$20.

Penalty on purchaser in certain cases.

(3) For the purpose of this section the expression "premises where the same is sold" shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission. R.S.O. 1897, c. 245, s. 80.

Interpretation.

75. The mayor or police magistrate of a town or city, or the reeve of a township or village with any one justice of the peace, or any two justices of the peace having jurisdiction

Keepers of disorderly tavern subject to certain penalties.

in the township or village, upon information to them, or one of them respectively, that any keeper of any tavern situate within their jurisdiction, sanctions or allows gambling or riotous or disorderly conduct on such premises, may summon the keeper of such tavern to answer the complaint, and may investigate the same summarily, and either dismiss the complaint with costs to be paid by the complainant, or without costs, or convict the keeper of having an improper or a riotous or disorderly house, as the case may be, and annul his license, or suspend the same for not more than sixty days, with or without costs, as in his or their discretion may seem just; and if the keeper of any such tavern is convicted under this section, and his license annulled, he shall not be eligible to obtain a license for the period of two years thereafter and shall also incur the penalties prescribed by section 79. R.S.O. 1897, c. 245, s. 81.

Provisions
as to
harbouring
constables
on duty.

76. Any person licensed to sell liquor, or any keeper of the house, shop, room, or other place for the sale of liquor, who knowingly harbours or entertains any constable belonging to any police force, or suffers such person to abide or remain in his shop, room or other place during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbance, or restoring order, or otherwise in the execution of his duty, shall, for any of such offences, upon a first conviction incur a penalty of not less than \$50 nor more than \$100 and costs, and in default of payment shall be liable to imprisonment for one month, and upon a second conviction under this section his license shall be cancelled in the manner provided by section 81. R.S.O. 1897, c. 245, s. 82; 8 Edw. VII. c. 54, s. 3.

Penalty in
case any
person com-
promises,
compounds,
or settles a
case.

77.—(1) Any person who, having contravened any of the provisions of this Act, compromises, compounds or settles, or offers or attempts to compromise, compound or settle the offence with any person or persons, with the view of preventing any complaint being made in respect thereof, or if a complaint has been made with the view of getting rid of such complaint, or of stopping or having the same dismissed for want of prosecution or otherwise, shall be guilty of an offence under this Act, and on conviction thereof shall be imprisoned at hard labour in the common gaol of the county in which the offence was committed for the period of three months.

Penalties for
being con-
cerned in
any such
compromise,
etc.

(2) Every person who is concerned in, or is a party to, the compromise, composition or settlement mentioned in subsection 1 shall be guilty of an offence, and on conviction thereof shall be imprisoned in the common gaol of the county in which the offence was committed for the period of three months. R.S.O. 1897, c. 245, s. 83.

Penalty for
tampering
with a
witness.

78. Any person who, on any prosecution under this Act, tampers with a witness, either before or after he is summoned or appears as such witness on any trial or proceeding

under this Act, or by the offer of money, or by threats, or in any other way, either directly or indirectly, induces or attempts to induce any such person to absent himself, or to swear falsely, shall incur a penalty of \$50 for each offence. R.S.O. 1897, c. 245, s. 85.

79. Any person who contravenes any other provision of this Act, in respect of which contravention no other punishment is prescribed, shall for the first offence incur a penalty of not less than \$20 nor more than \$50, besides costs; and in default of payment thereof he shall be imprisoned in the common gaol of the county in which the offence was committed for a period not exceeding one month, and may be kept at hard labour in the discretion of the convicting magistrate; and for the second offence, on conviction thereof, such person shall incur a penalty of not less than \$40, nor more than \$60, besides costs, and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period not exceeding two months, and may be kept at hard labour, in the discretion of the convicting magistrate; and for the third or any subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of three months, and may be kept at hard labour, in the discretion of the convicting magistrate. R.S.O. 1897, c. 245, s. 86.

80. In the event of the imprisonment of any person upon several warrants of commitment under different convictions in pursuance of this Act, whether issued in default of distress for a penalty or otherwise, the terms of imprisonment under such warrants shall be consecutive and not concurrent. R.S.O. 1897, c. 245, s. 87.

REVOCATION OF LICENSES BY COUNTY JUDGE.

81.—(1) Upon the complaint of the Inspector or the Board or the Crown Attorney that a license has been issued contrary to any of the provisions of this Act or of any by-law in force in the municipality in which or in any part of which the license granted is intended to take effect or that such license has been obtained by fraud, or that the person licensed has been convicted on more than one occasion of any contravention of the provisions of section 75 or has been convicted on three several occasions of any contravention of any of the provisions of this Act, whether the offences in respect of which such convictions were made were the same or different in their character, provided such convictions were for offences committed on different days, or that any licensee has been guilty of a second offence under section 76, the Judge of the County Court of the county in which such municipality is situate, shall summon the person to whom such license was issued to appear, and shall hear and determine the matter of such complaint in a summary manner, and may upon such hearing, or in default of appear-

Penalty for violations in cases not otherwise provided for.

Imprisonment under different convictions.

Power of County Judge where license improperly obtained or licensee convicted of offence against Act.

ance of the person summoned, adjudge that such license, for any of the causes aforesaid, ought to be revoked, and thereupon shall order that the same be revoked and cancelled accordingly; and thereupon the license shall be and become inoperative and of no effect, and the person to whom such license issued shall thereafter, during the full period of two years, be disqualified from obtaining any further or other license under this Act. R.S.O. 1897, c. 245, s. 91; 8 Edw. VII. c. 54, s. 4.

Procedure
under
preceding
section.

(2) The complaint in the preceding subsection mentioned, may be by a petition, concisely expressed, to the Judge entitled "In the County Court of the County of ——" and "In the matter of the license granted to (*naming the defendant*)" praying for the revocation of such license; and upon hearing the evidence adduced, or upon default of appearance of the prosecutor or defendant, the Judge may dismiss the matter of the complaint or make such order as he deems just, with or without costs to be paid by the prosecutor or defendant, and the order on the adjudication of the Judge shall be final. R.S.O. 1897, c. 245, s. 92.

CANCELLATION OF LICENSES BY THE BOARD.

Board to
cancel
licenses
after three
convictions
within two
years.

82.—(1) After three several convictions within a period of two years for offences against sections 25, 50, 51 or 52 or any other section of this Act for the contravention of which the penalty or punishment is provided by section 65 or section 79, whether such convictions were for the same offence or for different offences provided the second of such convictions was for an offence committed after the first of such convictions and the third of such convictions was for an offence committed after such second conviction, the Board shall within one month from the date of the last of such convictions, or, in the event of an appeal from such conviction and the confirmation thereof upon such appeal then within one month from the date of the judgment in such appeal, by resolution declare that the license held by any license holder so convicted is cancelled and revoked; and thereupon such license shall become inoperative and void and such license holder shall thereafter for the full period of three years be disqualified from obtaining or holding any further or other license under this Act; but nothing in this section shall affect the liability to forfeiture of a license in any other case provided for by this Act, nor relieve the offender from any other penalty imposed by this Act.

Liability of
Board
refusing or
neglecting
to act.

(2) If the Board refuses or neglects to declare such license cancelled after having been notified in writing so to do by the Minister or by any municipal elector of the municipality in which the license premises are situate, the members of the Board shall severally incur a penalty of \$100 which may be recovered with full costs of suit in an action by any person who may sue therefor, to be tried by a Judge

without a jury; and one-half of every penalty so recovered shall be paid to His Majesty for the uses of the Province and one-half shall be paid to the person bringing such action; but no member of the Board shall incur such penalty and costs, if he shows to the court at the trial of such action that he voted for the cancellation of such license or did all that could be done by him to procure such cancellation.

(3) The Inspector shall report to the Board every conviction of a holder of a tavern or shop license for a contravention of this Act, and in such report shall state the section of this Act under which such license holder was convicted and the penalty imposed, and the Board shall cause a book to be kept in which shall be recorded against the name of each license holder the report of every such conviction.

Inspector to report convictions to Board.

(4) If the Inspector knowingly or wilfully contravenes the provisions of the preceding subsection he shall incur a penalty of not less than \$50 nor more than \$100 besides costs.

Penalty for neglect to report.

(5) If the Minister receives information that the holder of any license for premises situated in a provisional judicial district is habitually disregarding the law by keeping such premises in an unclean, unsanitary or unsuitable condition or by allowing drunken, disreputable or disorderly persons to resort thither, or by any other contravention of the provisions of this Act, or by supplying or allowing liquor to be supplied to Indians contrary to any Act of the Parliament of Canada, the Minister may detail a special officer or some officer of his Department to enquire into the matter; and upon the report of such officer that such licensed premises are so kept, or that it appears that habitual contraventions of this Act or of any such Act of the Parliament of Canada are being committed by the license holder, the Minister may cancel the license, and such license holder shall thereafter be disqualified for a period of two years from receiving or holding any license under this Act. 6 Edw. VII. c. 47, s. 22.

Minister may cancel license in provisional judicial districts.

PROSECUTIONS.

83. Any person may be prosecutor or complainant in prosecutions under this Act. R.S.O. 1897, c. 245, s. 94.

Any person may be prosecutor, etc.

84. All informations or complaints for the prosecution of any offence against any of the provisions of this Act, shall be laid or made in writing, within thirty days after the commission of the offence or after the cause of action arose, and not afterwards, before any Justice of the Peace for the county in which the offence is alleged to have been committed, and may be made without any oath or affirmation to the truth thereof, and the same may be according to Form 5, or to the like effect. R.S.O. 1897, c. 245, s. 95.

Information.

When to be laid.

Form.

License Commissioners or Inspectors who are Justices are prohibited from trying certain complaints.

85. No License Commissioner or Inspector who is a Justice of the Peace shall try or adjudicate upon any complaint for a contravention of any of the provisions of this Act committed within the limits of the License District for which he is a License Commissioner or Inspector; but this section shall not be construed to apply to a Judge, or Junior Judge or Deputy Judge of a county. R.S.O. 1897, c. 245, s. 96.

Certain prosecutions to be before a Justice.

86.—(1) Except as otherwise expressly provided, all prosecutions for the punishment of any offence against this Act alleged to have been committed by a licensee or on or with respect to premises for which a license has been issued and is in force may take place before a justice of the peace in and for the county in which the offence was committed.

All other prosecutions may be before two or more Justices.

(2) All prosecutions under this Act, other than those provided for in subsection 1, whether for the recovery of a penalty or otherwise, shall take place before two or more justices of the peace or a police magistrate having jurisdiction. R.S.O. 1897, c. 245, s. 97.

Evidence to be taken in writing.

87.— 1) The Magistrate shall cause the depositions of the witnesses examined before him to be written in a legible hand and on one side only of the sheet of paper on which they are written, and shall read the same over to the witnesses, who shall sign the same.

Stenographer may be employed.

(2) Instead of proceeding as provided in subsection 1 a stenographer may, with the consent of the Magistrate, be employed to take down the evidence or any part thereof in shorthand, and the stenographer before acting shall take oath that he will truly and faithfully report the evidence.

When so taken have copies verified.

(3) Where evidence is taken in shorthand it shall not be necessary that the same shall be read over to or be signed by the witness, but it shall be sufficient if the transcript is signed by the Magistrate and is accompanied by an affidavit of the stenographer that it is a true report of the evidence. 9 Edw. VII. c. 82, s. 19.

PROCEDURE IN CASES WHERE PREVIOUS CONVICTIONS CHARGED.

Proceedings in cases where a previous conviction charged.

88.—(1) Upon any information for committing an offence against any of the provisions of this Act, in case of a previous conviction or convictions being charged, the Magistrate shall in the first instance inquire concerning such subsequent offence only, and if the accused be found guilty thereof, he shall then, if present, be asked whether he was so previously convicted, as alleged in the information, and if he answers that he was so previously convicted, he may be sentenced accordingly; but if he denies that he was so

previously convicted, or stands mute of malice, or does not answer directly to such question, or if he is not present, the magistrate shall then inquire concerning such previous conviction or convictions. R.S.O. 1897, c. 245, s. 101, par. 1; 9 Edw. VII. c. 82, s. 20; 1 Geo. V. c. 64, s. 14.

(2) The number of such previous convictions shall be proved by the production of a certificate under the hand of the convicting magistrate, or of the clerk of the peace, without proof of his signature or official character, or by other satisfactory evidence.

Number of previous convictions how proved.

(3) Convictions for several offences may be made under this Act, although such offences may have been committed on the same day; but the increased penalty or punishment hereinbefore imposed shall only be recoverable in the case of offences committed on different days, and after conviction for a first offence.

Offences on same day.

(4) In the event of a conviction for any second or subsequent offence becoming void or defective, after the making thereof, by reason of any previous conviction being set aside, quashed, or otherwise rendered void, the magistrate by whom such second or subsequent conviction was made, may by warrant under his hand summon the person convicted to appear at a time and place to be named in such warrant, and may thereupon, upon proof of the due service of such warrant, if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed, and such amended conviction shall thereupon be held valid for all intents and purposes, as if it had been made in the first instance.

In case of a second or subsequent conviction becoming irregular by quashing of a first or previous conviction.

Power to amend;

and amended conviction valid.

(5) If any person who has been convicted of a contravention of any provisions of any of the sections of this Act, numbered 48, 49 or 175, or any section for the contravention of which a penalty or punishment is prescribed by section 65 or section 79, is afterwards convicted of an offence against any provision of any of the said sections, such conviction shall be deemed a conviction for a second offence, within the meaning of section 65 or section 79, as the case may be, and may be dealt with and punished accordingly, although the two convictions may have been under different sections; and if any such person is afterwards again convicted of a contravention of any provision of any of the said sections, whether similar or not to the previous offences, such convictions shall in like manner be deemed a conviction for a third offence, within the meaning of section 65 or section 79, as the case may be, and may be dealt with and punished accordingly. R.S.O. 1897, c. 245, s. 101, pars. 2, 4, 5 and 6.

Second offence, meaning of.

Third offence.

Duty of
Inspector as
to second
offences.

89.—(1) Whenever a prosecution is brought against any person under this Act for an offence of which he has been previously convicted and for which a different or greater penalty is imposed in the case of a second or any subsequent offence, the Inspector shall prosecute as for a second or subsequent offence according to the fact.

Penalty.

(2) Any Inspector who knowingly or wilfully contravenes the provisions of this section shall incur a penalty of not less than \$20 nor more than \$50. 6 Edw. VII. c. 47, s. 17 (1-2).

FORM OF INFORMATION AND OTHER PROCEEDINGS— AMENDMENTS.

Description
in informa-
tions.

90. In describing offences respecting the sale or other disposal of liquor, or the keeping, or the consumption of liquor, in any information, summons, conviction, warrant, or proceeding under this Act, it shall be sufficient to state the sale, disposal, keeping or consumption of liquor simply, without stating the name or kind of such liquor, or the price thereof, or any person to whom it was sold or disposed of, or by whom it was consumed; and it shall not be necessary to state the quantity of liquor so sold, disposed of, kept, or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity. R.S.O. 1897, c. 245, s. 102.

Forms.

91. The Forms appended to this Act, or any forms to the like effect, shall be sufficient in the cases thereby respectively provided for, and, where no forms are prescribed, new ones may be framed to meet the circumstances of the case, conforming as nearly as may be to those employed in proceedings under *The Ontario Summary Convictions Act* such forms being made short and concise in the mode indicated by the Forms appended to this Act. R.S.O. 1897, c. 245, s. 103.

Rev. Stat.
c. 90.

Amending
information.

92.—(1) Notwithstanding anything in this Act, the magistrate, at any time before judgment, may amend or alter any information, and may substitute for the offence charged therein any other offence against the provisions of this Act; but if it appears that the defendant has been prejudiced by such amendment, the magistrate shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment. R.S.O. 1897, c. 245, s. 104.

Person
charged with
sale may be
convicted of
keeping
for sale

(2) Where a person is charged with a sale of liquor in contravention of this Act, and it appears to the magistrate that there is no evidence of sale of liquor having taken place, but that liquor was found upon the premises of or in posses-

sion or control of the person charged, and that the same was kept for sale in contravention of this Act, he may amend the information and may convict the defendant for keeping liquor for sale in contravention of this Act. 9 Edw. VII. c. 82, s. 21.

93. Notwithstanding anything in this Act where a pecuniary penalty is imposed, the magistrate may in his discretion order that in default of payment of the penalty distress shall issue for the recovery thereof or he may if he sees fit order that in default of immediate payment of the penalty the offender shall be committed to gaol for such period as may be allowed by law. 9 Edw. VII. c. 82, s. 22.

Power to
issue dis-
tress on non-
payment of
penalty.

INFORMALITIES IN CONVICTIONS, ETC.

94.—(1) No conviction or warrant enforcing the same or other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information or conviction, or by reason of any other defect in form or substance, if it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of this Act, within the jurisdiction of the magistrate who made or signed the same, and if there is evidence to prove the commission of such offence. 6 Edw. VII. c. 47, s. 30, *part*; 9 Edw. VII. c. 82, s. 23.

Conviction
not void for
certain
defects.

(2) Upon any application to quash such conviction, or warrant enforcing the same or other process or proceeding, whether in appeal or upon *habeas corpus*, or otherwise, the Court or Judge to which such appeal is made or to which such application has been made upon *habeas corpus* or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defect as aforesaid, and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process or proceeding shall be affirmed, or shall not be quashed, as the case may be, and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process or proceeding so affirmed or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded. 6 Edw. VII. c. 82, s. 30, *part*.

May be
amended.

(3) If it appears to the Court or Judge that the magistrate before whom any complaint or other proceeding under this Act was heard or taken, refused to receive evidence which might have been material, the Court or Judge, instead of quashing the conviction or other proceeding, may remit the same to the magistrate with direction to re-hear the case

Remitting
case to
magistrate for
rehearing.

and with such other directions as the Court or Judge may think proper, and the magistrate shall re-hear the complaint accordingly. 9 Edw. VII. c. 82, s. 24, *part*.

Limitation
of time as
to proceed-
ings to quash.

95. No motion to quash a conviction or order made under this Act shall be heard by the Court or Judge to which such application is made unless notice of such motion has been served within twenty days from the date of the conviction or order. 9 Edw. VII. c. 82, s. 25.

EVIDENCE, ETC.

License, how
proved.

96. In any prosecution or proceeding under this Act, in which proof is required respecting any license, a certificate under the hand of the Inspector of the License District shall be *prima facie* proof of the existence of a license, and of the person to whom the same was granted or transferred; and the production of such certificate shall be sufficient *prima facie* evidence of the facts therein stated and of the authority of the Inspector, without any proof of his appointment or signature. R.S.O. 1897, c. 245, s. 106.

How resolu-
tions authen-
ticated, etc.

97. Any resolution of the Board passed under section 6 shall be sufficiently authenticated by being signed by the chairman of the Board which passed the same; and a copy of any such resolution certified to be a true copy by any member of such Board, shall be deemed authentic and be received in evidence in any Court without proof of any such signature, unless it is specially pleaded or alleged that the signature to any such original resolution has been forged. R.S.O. 1897, c. 245, s. 107.

Places in
which the
sale of liquor
is presumed.

98. Any house, shop, room or other place, in which are proved to exist a bar counter, beer pumps, kegs, jars, decanters, tumblers, glasses or any other appliances or preparations similar to those usually found in taverns and shops where spirituous or fermented liquors are accustomed to be sold or trafficked in, shall be deemed to be a place in which liquor is kept or had for the purpose of being sold, bartered or traded in, within the meaning of section 49, unless the contrary is proved by the defendant in any prosecution; and the occupant of such house, shop, room or other place shall be taken conclusively to be the person who has, or who keeps therein, such liquor for sale, barter or traffic therein. R.S.O. 1897, c. 245, s. 108.

Presumption
as to occu-
pant.

Having bar
appliances,
when to be
conclusive
evidence of
sale.

99. Where upon a prosecution of any person under this Act for the sale or keeping for sale of liquor without the license required by law the magistrate before whom such prosecution is brought finds that liquor exceeding two gallons in quantity was kept upon the premises occupied by such person, the keeping or having upon such premises of

any beer pump or other appliance commonly used in a bar-room shall be conclusive evidence that such liquor was kept upon the premises for sale. 6 Edw. VII. c. 47, s. 15.

100. In proving the sale or disposal, gratuitous or otherwise, or consumption of liquor for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed, or any liquor was actually consumed, if the magistrate or Court hearing the case is or are satisfied that a transaction in the nature of a sale or other disposal actually took place or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor on premises under license or in respect to which a license is required under this Act, by some person other than the occupier of said premises, shall be evidence that such liquor was sold to the person consuming or being about to consume or carry away the same, as against the holder of the license or the occupant of the said premises. R.S.O. 1897, c. 245, s. 109; 9 Edw. VII. c. 82, s. 26.

Evidence as to sale, etc., of liquor.

101. In cities, towns and villages, in all cases where gas or other light is seen burning in the bar-room of a tavern where liquor is trafficked in, at any time during which the sale or other disposal of liquors is prohibited by any provision of this Act, any such fact, when proved, shall be deemed and taken as *prima facie* evidence that a sale or other disposal of liquor by the keeper of such tavern or other place has taken place contrary to the provisions of this Act. R.S.O. 1897, c. 245, s. 110.

Light in bar prima facie evidence of sale.

102.—(1) Any person, not being the holder of a license under this Part, keeping up any sign, writing, painting or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be guilty of an offence against this Act. R.S.O. 1897, c. 245, s. 111 (1); 2 Geo. V. c. 55, s. 9.

What shall be deemed evidence of unlawful sale.

(2) Proof that any person, not being a licensed person, who furnishes food or lodging to lodgers, boarders or guests, or who conducts a house or other place in which persons reside who are not in his employment or members of his family, has upon the premises occupied by him a greater quantity of liquor than may be reasonably supposed to be intended for the use of such person and his family, shall be conclusive evidence that such liquor is kept for sale in contravention of this Act. 9 Edw. VII. c. 82, s. 27.

Possession of an excessive quantity of liquor.

Liability of
occupants.

103.—(1) The occupant of any house, shop, room or other place in which any sale, barter or traffic of spirituous, fermented or manufactured liquors, or any matter, act or thing in contravention of any of the provisions of this Act, has taken place, shall personally incur the penalties prescribed by this Act, notwithstanding that such sale, barter or traffic is made by some other person, who cannot be proved to have so acted under or by the directions of such occupant, and proof of the fact that such sale, barter or traffic, or other act, matter or thing, by any person in the employ of such occupant, or who is suffered to be or to remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be conclusive evidence that such sale, barter or traffic, or other act, matter or thing, took place with the authority and by the direction of such occupant.

Person sell-
ing as well as
"occupant"
to be liable.

(2) The person actually selling, or otherwise contravening any of the provisions of this Act, as in this section mentioned, is for the purposes hereof styled "the actual offender," whether acting on behalf of himself or of another or others, and the actual offender, as well as the occupant, shall personally incur the penalties prescribed by this Act; and at the prosecutor's option the actual offender may be prosecuted jointly with, or separately from, the occupant, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other therefor. R.S.O. 1897, c. 245, s. 112 (1-2).

(3) For the purposes of this section, any person being an owner or lessee in actual occupation and possession of the premises, or anyone who, being in actual occupation and possession, leases or sub-lets any part thereof in which liquors are kept for sale, barter or trading therein, or in which they are sold or consumed, shall be deemed to be an occupant, unless such leasing or sub-letting shall have received the consent in writing of the Board; and in the event of the premises being an unlicensed tavern, the owner or lessee, or other person having control of the premises, whether in or out of possession, who sub-lets to or permits to be occupied by any other person any part of the premises in which liquor is sold or kept for sale, shall be conclusively held to be an occupant within the meaning of this section and may be prosecuted jointly with or separately from the actual offender, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other therefor. R.S.O. 1897, c. 245, s. 112 (3); 7 Edw. VII. c. 46, s. 5; 8 Edw. VII. c. 54, s. 6.

In prosecu-
tions for sale
without
license certain
presumptions
sufficient to
put defend-
ant on his
defence and
convict him
in default of
rebuttal.

104. In any prosecution under this Act for the sale or other disposal of liquor without the license required by law, it shall not be necessary that any witness depose directly to the precise description of the liquor sold or bartered or the precise consideration therefor, or to the fact of the sale or other disposal having taken place with his participation or to his own personal and certain knowledge, but the magis-

trate trying the case, so soon as it appears to him that the circumstances in evidence sufficiently establish the contravention of this Act complained of, shall put the defendant on his defence, and in default of his rebuttal of such evidence shall convict him accordingly. R.S.O. 1897, c. 245, s. 113.

105.—(1) In any prosecution under this Act, whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would incur a penalty under this Act, it shall be incumbent upon the defendant to prove that he is duly licensed, and that he did the said act lawfully.

Proof of being
licensed to
rest on the
defendant.

(2) The production of a license which on its face purports to be duly issued, and which, were it duly issued, would be a lawful authority to the defendant for such act or omission, shall be *prima facie* evidence that the defendant is so entitled, and in all cases the signature to and upon any instrument purporting to be a valid license shall *prima facie* be taken to be genuine. R.S.O. 1897, c. 245, s. 114.

Evidence of
license.

106. In any prosecution under this Act the production by the Inspector or any officer of the Crown of a certificate signed or purporting to be signed by the Government analyst as to the analysis of any liquor and of an affidavit attesting the signature of such analyst, shall be conclusive evidence of the facts stated in such certificate. 6 Edw. VII. c. 47, s. 16.

Certificate of
analyst as
evidence.

Witnesses.

107. In any prosecution under this Act the magistrate, trying the case may summon any person represented to him as a material witness in relation thereto; and if such person refuses or neglects to attend pursuant to such summons, the magistrate may issue his warrant for the arrest of such person; and he shall thereupon be brought before the magistrate, and if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol of the county, there to remain until he consents to be sworn or to affirm and to answer. R.S.O. 1897, c. 245, s. 115.

Witnesses
summoned
and not ap-
pearing, may
be brought
up by
warrant.

108. Any person summoned as a party to, or as a witness in any proceeding under this Act, may, by the summons, be required to produce, at the time and place appointed for his attendance, all books and papers, accounts, deeds and other documents in his possession, custody or control, relating to any matter connected with the said proceeding, saving all just exceptions to such production; and shall incur the same penalties for non-production of such books, papers or documents, as he would incur by refusal or neglect to attend, pursuant to such summons, or to be sworn or to answer any question touching the case. R.S.O. 1897, c. 245, s. 116.

Production
of books, etc.
may be
ordered.

Inspector's
expenses to
be allowed
for attend-
ing court.
27-28 Vict.
c. 18.
R. S. C., c. 152.

109.—(1) In any prosecution under this Act, or *The Temperance Act of 1864*, or the second part of *The Canada Temperance Act*, if the Inspector attends the court as prosecutor or witness and travels to attend such court a distance of more than three miles from his place of residence, the Magistrate trying the case may tax against the defendant, in case of conviction, as costs in the cause to cover railway fare or hire of conveyance of the Inspector in attending the said prosecution,

Railway
or stage fare.

(a) if the Inspector travels by railway or stage, the fares actually required to be paid by him;

Hired con-
veyance.

(b) if by a hired conveyance, the sums actually required to be paid for a horse, conveyance and tolls;

His own
conveyance.

(c) if in his own conveyance, ten cents per mile one way;

Other
expenses.

(d) to cover all other expenses \$1 per day; and

Adjourn-
ments.

(e) in cases of adjournment at the instance of the defendant, similar additional allowances, where the Inspector is actually in attendance.

Verification.

(2) The mileage or other expenses shall be verified by the affidavit of the Inspector.

Inspector to
make quar-
terly returns.

(3) The Inspector shall make quarterly returns in detail under oath to the Minister of all sums received by him for mileage, and other expenses, in this section provided for. R.S.O. 1897, c. 245, s. 117.

APPEALS.

Conviction
of Justice
final except
as otherwise
provided.

110.—(1) In any prosecution for any offence against any provision of this Act for which any penalty or punishment is prescribed, a conviction or order of the Magistrate, except as hereinafter mentioned, shall be final and conclusive.

Procedure
on appeals.

(2) Subject to the provisions of the following subsections an appeal shall lie to the Judge of the County Court of the county in which the conviction is made, sitting in Chambers without a jury, in all cases where the person convicted is a licensee or the conviction is for any offence committed on or with respect to premises licensed under this Act, if a notice of such appeal is given to the prosecutor or complainant within five days after the date of the conviction.

Appellant to
enter into a
recognizance.

(3) The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the Judge, or, where the penalty of imprisonment with or without hard labour is adjudged, shall enter into a recognizance with two sufficient sureties, in the sum of \$200 each, before the convicting magistrate, conditioned personally to appear before the Judge, and to try such appeal and abide by his judgment thereupon, and to pay

such costs as he may order; and if the appeal is against a conviction whereby only a penalty or sum of money is adjudged to be paid, the appellant may, although the order directs imprisonment in default of payment, instead of remaining in custody as aforesaid, enter into such recognizance, or may deposit, with the magistrate convicting, the amount of the penalty and costs, and a further sum of \$25 to answer the respondent's costs of appeal.

(4) Upon such recognizance being entered into or deposit made, the magistrate shall liberate such person if in custody and shall forthwith deliver or transmit by registered post, the depositions and papers in the case, with the recognizance or deposit, as the case may be, to the clerk of the County Court of the county wherein such conviction was had.

(5) The appellant shall pay to the clerk of the County Court, for his attendance and services in connection with such appeal, the sum of \$1, and the same may be taxed as costs in the cause.

(6) An appeal shall lie to the Judge of the County Court of the county in which an order of dismissal is made, sitting in Chambers without a jury, where the Attorney-General of Ontario so directs in all cases in which an order has been made by a magistrate dismissing an information or complaint laid by an Inspector or any one on his behalf for contravention of any of the provisions of this Act if notice of such appeal is given to the defendant or his solicitor within fifteen days after the date of such order of dismissal.

(7) Within ten days after service of the notice of appeal the Judge shall grant a summons calling upon the defendant and the magistrate making the order to show cause why the order of dismissal should not be reversed and the case reheard.

(8) Upon the return of the summons the Judge, upon hearing the parties, may either affirm or quash the order, or if he thinks fit may hear the evidence of such other witnesses as may be produced before him, or the further evidence of any witnesses already examined, and may make an order affirming the order of dismissal, or may reverse such order and convict the defendant and may impose such fine and costs or other penalty as is provided by this Act, and the order so made shall have the same effect and shall be enforced in the same manner as is provided in the case of a conviction before a magistrate under this Act.

(9) The practice and procedure upon such appeals, and all the proceedings thereon, shall thenceforth be governed by *The Ontario Summary Convictions Act*, so far as the same is not inconsistent with this Act. R.S.O. 1897, c. 245, s. 118.

Limitation
of right of
appeal.

(10) Nothing in *The Summary Convictions Act* shall confer any right of appeal which is not expressly given by this Act, and every appeal from a conviction or order made under this Act shall be taken, heard and determined as provided by this Act and not otherwise. 10 Edw. VII. c. 94, s. 2.

Costs on
appeal from
conviction.

27-28 Vict.
c. 18.
R.S.C. c. 152.

111. On an appeal from a conviction or order, to the County Judge under this Act, or to the General Sessions of the Peace under *The Temperance Act of 1864*, or *The Canada Temperance Act*, where costs are directed to be paid by either party, no greater costs shall be taxable by or against either party as between party and party than the sum of \$10, and the actual and necessary disbursements in procuring the attendance of witnesses and the fees to which the clerk of the peace is lawfully entitled; and the fees chargeable by the Clerk of the Peace upon any such appeal to the General Sessions, shall not exceed the sum of \$2. R.S.O. 1897, c. 245, s. 119.

Appeal to
Divisional
Court.

112.—(1) An appeal by the Inspector, or other prosecutor, shall lie to a Divisional Court from the decision, judgment, or order of any Judge of a County Court upon an appeal from any conviction or order made in a case arising out of or under this Act in which a conviction or order has been quashed, or set aside, upon the ground, directly or indirectly, of the invalidity of any Act of this Legislature, or of any part thereof, or from the decision, judgment or order of the Judge of a County Court in any other case arising out of or under this Act in which the Attorney-General of Ontario certifies that he is of opinion that the matters in dispute are of sufficient importance to justify an appeal.

Notice.

(2) Such appeal shall be had upon notice thereof to be given to the opposite party of the intention to appeal within eight days, or where the certificate of the Attorney-General is necessary and is obtained, within fifteen days after such judgment, decision or order has been made.

Transmitting
papers.

(3) The clerk of the County Court shall certify the judgment, conviction, orders and all other proceedings, to the proper officer of the Supreme Court, at Toronto, for use upon the appeal.

Hearing
appeal.

(4) The Divisional Court shall thereupon hear and determine the appeal, and shall make such order for carrying into effect the judgment of the Court as the Court shall think fit. R.S.O. 1897, c. 245, s. 120.

Appeal in
certain cases
to Divisional
Court.

113.—(1) An appeal to a Divisional Court shall lie from any judgment or decision of a Judge of the Supreme Court, upon any application to quash a conviction made under this Act, or to discharge a prisoner who is held in custody under any such conviction, whether such conviction is quashed or the prisoner discharged, or the application is refused; but

no such appeal shall lie, unless the Attorney-General of Ontario certifies that he is of opinion that the point in dispute is of sufficient importance to justify the case being appealed.

(2) Upon such certificate being produced to one of the Registrars of the High Court Division, he shall certify under the seal of the Supreme Court the proceedings returned to or had before or in the said Court, to the Registrar of the Appellate Division, and a Divisional Court shall thereupon hear and determine the appeal, without any formal pleadings, and shall make such order for carrying into effect the judgment of the said Court as the circumstances of the case may require. R.S.O. 1897, c. 245, s. 121.

Certifying proceedings to Appellate Division.

CIVIL REMEDIES AGAINST TAVERN KEEPERS, ETC.

114.—(1) Where, in any tavern, or in any place wherein liquor of any kind is sold, whether legally or illegally, any person has drunk to excess of liquor, therein furnished to him, and while in a state of intoxication from such drinking has come to his death by suicide, or drowning, or perishing from cold or other accident caused by such intoxication, the keeper of such tavern, or other place, and also any other person who for him or in his employ delivered to the deceased person the liquor whereby such intoxication was caused, shall be jointly and severally liable to an action as for personal wrong by the legal representatives of the deceased person; and such legal representative may bring either a joint and several action against them or a separate action against either or any of them, and by such action or actions, may recover such sum not less than \$100 nor more than \$1,000, in the aggregate, of any such actions, as may therein be assessed by the Court or jury as damages.

Liability of innkeepers or persons in their employ, etc., who give liquor to persons who become intoxicated

(2) Any such action shall be brought within three months from the date of death of such deceased person. R.S.O. 1897, c. 245, s. 122.

Limitation of action.

115. If a person in a state of intoxication assaults any person, or injures any property, the person who furnished him with the liquor which occasioned his intoxication, if such furnishing was in violation of this Act, or otherwise in violation of law, shall be jointly and severally liable to the same action by the person injured as the person intoxicated may be liable to; and the person injured, or his legal representatives, may bring either a joint and several action against the person intoxicated and the person or persons who furnished such liquor, or a separate action against either or any of them. R.S.O. 1897, c. 245, s. 123.

Persons who furnish the liquor liable for certain injuries by person intoxicated.

116. Any payment or compensation for liquor furnished in contravention of this Act, or otherwise in violation of law, whether made in money or securities for money, or in labour or property of any kind, shall be held to have been received

Money paid for liquor sold contrary to this Act may not be recovered.

Securities,
etc., for pay-
ment to be
void.

without any consideration, and against justice and good conscience, and the amount or value thereof may be recovered from the receiver by the party who made the same; and every sale, transfer, conveyance, lien and security, in whole or part, made, granted, or given, for or on account of liquor so furnished in contravention of this Act, or otherwise in violation of law, shall be wholly null and void, save only as regards subsequent purchasers or assignees for value, without notice; and no action of any kind shall be maintained, either in whole or in part, for or on account of any liquor so furnished in contravention of this Act, or otherwise in violation of law. R.S.O. 1897, c. 245, s. 126.

No action for
liquor drunk
in tavern.

117. No action shall be brought by the holder of a tavern license to recover the price or value of liquor drunk in any tavern. 8 Edw. VII. c. 54, s. 12.

RESTRICTION ON SALE TO INEBRIATES.

By Order of Magistrate.

Power of
Justices to
forbid sale
of liquor to
habitual
drunkards.

118.—(1) Where it is made to appear in open Court sitting in the county in which he resides, that any person, summoned before such Court, by excessive drinking of liquor, misspends, wastes or lessens his estate, or greatly injures his health, or endangers or interrupts the peace and happiness of his family, the police magistrate or justices holding such Court, shall, by writing under the hand of such police magistrate, or under the hands of two of such justices, forbid any holder of a license to sell to such person any liquor for the space of one year, and such police magistrate, justices, or any other two justices of the county in which such person resides, may, at the same or any other time, in like manner, forbid the selling of any such liquor to such person by any person holding a license in any other locality, to which he resorts or may be likely to resort for the same. R.S.O. 1897, c. 245, s. 124 (1).

Application
to set aside
prohibition
or notice.

(2) The person in respect of whom any such notice has been given, may, at any time while the same is in force, apply to the Judge of the County Court of the county in which he resides, after having given seven days' notice of his intention so to do to the police magistrate or justices who signed the said prohibition or notice, and the crown attorney for the county in which such person resides, to set aside such prohibition or notice.

Judge may
set aside
prohibition
or notice or
dismiss
application.

(3) The Judge may, upon hearing the said person and any witnesses, either *viva voce* or upon affidavit, set aside the said prohibition or notice, or dismiss the said application, as in his discretion may seem best; but before any such prohibition or notice is set aside by the Judge evidence shall be furnished that the wife or husband of such person, if such

person is married and residing with such wife or husband, has knowledge of such application and consents thereto. R.S.O. 1897, c. 245, s. 124 (4).

On Notice by Family, etc.

119.—(1) The husband, wife, parent, child of twenty-one years or upwards, brother, sister, master, guardian or employer of any person who has the habit of drinking liquor to excess, or the parent, brother or sister, of the husband or wife of such person, or the guardian of any child or children of such person, may give notice in writing, signed by him, or may require the Inspector to give notice to any person licensed to sell, or who sells or is reputed to sell, liquor of any kind, not to deliver liquor to the person having such habit.

Husband, wife, etc., may notify sellers of liquor not to furnish to any person addicted to drinking.

(2) The notice given under subsection 1 may be in the form or to the effect following:

Form of notice.

NOTICE.

Given under section 119 of *The Liquor License Act*.

To A.B., (*Insert name of holder of license*).

I, (*Name of the person giving notice*), License Inspector, (*or wife, or, as the case may be, of the person hereinafter named*) of the _____ of _____, in the County _____, hereby notify you not to deliver liquor to _____ of _____, in the County _____, being a person who has the habit of drinking liquor to excess.

Take notice that for the contravention of this prohibition, or in case you suffer or permit the said _____ to linger or loiter in the bar room or other place upon your premises in which liquor is dispensed, you will incur the penalties provided by section 120 of *The Liquor License Act*.

C.D.,

(*Signature of the person giving notice.*)

Dated at
this _____

day of
A.D. 191 _____

6 Edw. VII. c. 47, s. 33, part.

(3) The Inspector or other person giving notice under subsection 1 shall forthwith give notice to the person having such habit in the form or to the effect following:

Notice to person having the habit.

NOTICE.

Given under section 119 of *The Liquor License Act*.

To E.F. (*insert the name of the person having habit of drinking to excess*).

I (*name of person giving notice*), License Inspector (*or other occupation*), of the _____ of _____, hereby notify you that I have this day given notice to the license holders of the License District

of _____, in the County of _____ (or to any particular license holder or other person, naming him) not to deliver liquor to you, you having the habit of drinking liquor to excess.

Take notice that should you directly or indirectly purchase or procure, or attempt to purchase or procure liquor from or upon the premises of any such license holder (or from or upon the premises of the said _____ (naming the person notified) or from or upon the premises of any other person, or be found with liquor in your possession or under the influence of liquor, or lingering or loitering in any place where liquor is sold within twelve months after the service of this notice upon you, you will incur the penalties provided by section 120 of *The Liquor License Act*.

(Signature of person giving notice.)

8 Edw. VII. c. 54, s. 7.

Notice to be
prima facie
evidence.

(4) The notices mentioned in the two preceding subsections shall be deemed *prima facie* evidence of the allegations therein set out. 10 Edw. VII. c. 94, s. 5.

120. In cases within either of the next two preceding sections the following provisions shall apply:—

Proof of
service.

(a) Proof of the mailing of a registered letter containing any notice or prohibition given under those sections and addressed to the person notified at his proper post office address shall be conclusive evidence of the service of such notice or prohibition.

Penalty for
delivering
liquor after
notice.

(b) (i.) If any person so notified or ordered not to deliver liquor, either himself or by his clerk, servant or agent, otherwise than in terms of a special requisition for medicinal purposes, signed by a legally qualified medical practitioner, delivers within twelve months after such notice or prohibition on, in or from any building, booth or place occupied by him, and wherein and wherefrom any such liquor is sold, or suffers to be delivered, any liquor to the person having such habit, he shall incur a penalty not exceeding \$50.

Right of
action.

(ii.) Upon the conviction of any person under this clause, the person giving or requiring the notice, or in the case of an order by a police magistrate or by the justices, then anyone who would have been entitled to give, or require to be given, the notice mentioned in section 119, may, in an action as for personal wrong recover from the person notified such sum, not less than \$20 nor more than \$500, as may be assessed by the Court or jury as damages.

Idem,
married
woman.

(iii.) Any married woman may bring such action in her own name without authorization by her husband; and all damages recovered by her shall in that case go to her separate use.

(iv.) In case of the death of either party, the action and right of action given by this section shall survive to or against his legal representatives, but the defendant shall not be liable for both penalties for the same offence. Right of representatives.

(v.) Any such action must be brought within six months after such delivery of liquor. Limitation.

(c) If any keeper of a licensed tavern after service upon him of a notice or prohibition under either of the two next preceding sections suffers or permits the person named in such notice or prohibition as having the habit of drinking liquor to excess, to loiter or linger in or about the bar-room or other place in which liquor is dispensed, upon the licensed premises, such keeper shall incur a penalty of not less than \$10 nor more than \$20. 6 Edw. VII. c. 47, s. 33, *part, amended.* Penalty for permitting person named to loiter in bar-room, etc.

(d) If the person having the habit of drinking liquor to excess served with such notice or prohibition by himself or by any other person within twelve months after service of such notice purchases or procures or attempts to purchase or procure liquor, or is found with liquor in his possession or under the influence of liquor or lingering or loitering in any place where liquor is sold or dispensed he shall incur a penalty of not less than \$10 nor more than \$20, and costs, and shall upon conviction be liable to imprisonment for a period not exceeding one month. 8 Edw. VII. c. 54, s. 8. Inebriate or curing liquor after notice.

(e) After service of such notice or prohibition, if any other person with a knowledge of the notice or prohibition gives, sells or purchases for or on behalf of the person with regard to whom the notice or prohibition has been served, or for his or her use, any liquor, such other person shall upon conviction incur for every such offence a penalty of not less than \$25 nor more than \$50. 6 Edw. VII. c. 47, s. 33, *part.* Penalty for person with knowledge of notice delivering liquor to person named.

(f) In all cases of conviction under this section in which a money penalty is imposed, the defendant in default of payment of such penalty shall be liable to imprisonment for a period not exceeding one month. 7 Edw. VII. c. 46, s. 3. Imprisonment in default of payment of fine.

(g) Every Inspector shall when so required serve, within his own License District, any notice or order under the next two preceding sections. See 1 Geo. V. c. 64, s. 15. Duty of Inspector as to service.

121.—(1) Every person with respect to whom an order has been made under subsection 1 of section 118, or who has been served with a notice under subsection 3 of section 119, may upon any prosecution under this Act be compelled to divulge upon oath the name of any person from whom he has obtained liquor during the period for which such order or notice was in force, and the place where, and the date when the liquor was supplied to him, and if such information is Inebriate after notice to Inspector, etc., compellable to disclose name of person supplying liquor.

within his knowledge and he wilfully refuses to disclose or in the opinion of the magistrate is withholding the same, he shall be guilty of an offence and may on the order of the magistrate be forthwith imprisoned for any period not exceeding three months, unless he sooner discloses such information and pays the costs of his committal. 8 Edw. VII. c. 54, s. 9; 9 Edw. VII. c. 82, s. 28, *part*.

How disclosure may be made.

(2) For the purpose of making such disclosure such person may at any time be brought before the same or any other magistrate or may disclose the said information by affidavit. 9 Edw. VII. c. 82, s. 28, *part*.

LICENSE FUND.

Moneys payable into License Fund.

122.—(1) All sums received for fees for tavern, shop and club licenses issued under this Part, and for transfers thereof, and for bartenders' licenses in any License District, and all sums received by the Inspector for fines and penalties for offences against this Act committed therein shall form the License Fund of the License District; but such fines and penalties, and all sums received for transfers, shall belong to and be appropriated for the exclusive use of the Province.

Application and distribution of fund.

(2) So much of the License Fund as is not specially appropriated otherwise, shall be set apart, under regulations of the Lieutenant-Governor in Council, for the payment of the salary and expenses of the Inspector, and for the expenses of the office of the Board and of officers, and otherwise in giving effect to the provisions of this Act; and the residue, at such times as may be prescribed by the regulations of the Lieutenant-Governor in Council shall be paid over, one-half to the Treasurer of Ontario to and for the use of the Province, and one-half to the treasurer of the city, town, village or township municipality in which the licensed premises are situate.

Issuing cheques on fund.

(3) Subject to the regulations of the Lieutenant-Governor in Council, cheques upon the License Fund account shall be drawn by the Inspector, and countersigned by the chairman of the Board or any two of the License Commissioners; but no cheque shall be issued upon the License Fund until authority therefor has been given by the License Branch. 6 Edw. VII. c. 47, s. 12 (1-3).

Audit of license fund accounts.

(4) All accounts against the License Fund shall be audited by the proper officer of the License Branch at Toronto, and the same shall be final unless the Treasurer of Ontario otherwise directs. 6 Edw. VII. c. 47, s. 12 (4); 8 Edw. VII. c. 54, s. 13.

LAW ENFORCEMENT.

Fund to be used by Minister in enforcing law.

123.—(1) Any money appropriated by this Legislature for the purpose of preventing the contravention of the provisions of this Act or of any regulation or by-law made or passed

thereunder, shall be set apart and be known as the Liquor Law Enforcement Fund; and the money to the credit of the said fund from time to time shall be paid out under the direction of the Minister to such officers and persons as he may think proper, to be expended in the enforcement of this Act and of such regulations and by-laws or the detection of offences against this Act or any such regulation or by-law.

(2) The certificate or order of the Minister that any sum of money is required to be paid out of the said fund shall be sufficient authority for the issuing of a cheque by the Treasurer of Ontario for the amount named in such certificate or order, and the officer or other person to whom such cheque is issued shall account to the Minister for the proper disbursement of the amount received by such officer or other person. ^{Authority for payments out.}
6 Edw. VII. c. 47, s. 20.

124. No magistrate, Board of License Commissioners, Inspector, municipal council or municipal officer shall have any power or authority to remit, suspend or compromise any penalty or punishment imposed under this Act. ^{Magistrates, etc., not to remit penalties.} R.S.O. 1897, c. 245, s. 88.

125.—(1) The penalties in money imposed under this Act, or any portion of them which may be recovered, shall be paid to the convicting magistrate in the case, and shall by him, or them, in case the Inspector or any officer appointed by the Lieutenant-Governor or by the Board is the prosecutor or complainant, be paid to the Inspector, to be thereupon paid in by him to the credit of the License Fund Account. ^{Application of penalties.} R.S.O. 1897, c. 245, s. 90 (1), *part*; s. 46 (1), *part*.

(2) Where the Inspector or officer has prosecuted and obtained a conviction and has been unable to recover the amount of costs, the same shall be made good out of the License Fund. ^{Inspector indemnified against costs.}

(3) Where the Inspector has prosecuted and failed to obtain a conviction he shall be indemnified against all costs out of the License Fund if the magistrate certifies that the Inspector had reasonable and probable cause for preferring a complaint. ^{Idem.} R.S.O. 1897, c. 245, s. 46 (2), (3).

(4) In all cases in which prosecutions under this Act are brought by an Inspector or other officer appointed by the Crown under this Act, the penalty when collected shall belong to the Province. ^{Application of penalties.} 5 Edw. VII. c. 30, s. 3.

(5) Where any other person or an officer appointed under section 127 is the prosecutor or complainant, then the same shall be paid to the treasurer of the municipality wherein the offence was committed. ^{Idem.} R.S.O. 1897, c. 245, s. 90 (1), *part*; 9 Edw. VII. c. 82, s. 18.

Municipalities
to set apart
a third.

(6) The council of every municipality shall set apart not less than one-third part of the fines or penalties received by such municipality for a fund to secure the prosecutions for infractions of this Act, and of any by-law passed in pursuance thereof. R.S.O. 1897, c. 245, s. 90 (2).

OFFICERS TO ENFORCE THE LAW, THEIR DUTIES AND POWERS.

Provincial
Inspectors.

126.—(1) The Lieutenant-Governor may appoint one or more Provincial officers whose duty it shall be to enforce the provisions of this Act, and especially those for the prevention of traffic in liquor on unlicensed premises. R.S.O. 1897, c. 245, s. 127 (1).

Their duties.

(2) Any of such officers may be designated "Provincial Inspector" and it shall be the duty of a Provincial Inspector, whenever required so to do, to

Inspection.

(a) make a personal inspection of each License District;

Supervision.

(b) see that the books of each Inspector are properly kept, and that all entries are properly made, and examine into his accounts and into his mode of inspection, and ascertain that the duties of the office are faithfully and efficiently performed;

Holding
investigations.

(c) hold investigations into the conduct of Inspectors and License Commissioners when required so to do by the Minister;

Reporting to
Lieutenant
Governor.

(d) report upon all such matters as expeditiously as may be to the Lieutenant-Governor for his information and decision. R.S.O. 1897, c. 245, s. 127 (2), *part*; 9 Edw. VII. c. 82, s. 29 (1).

Giving direc-
tions as to
additional
accommoda-
tions.

(e) visit and inspect any tavern for which a license has been issued under this Act and the accommodations provided therein and the utensils, bedding and other furniture therein and see that the laws of the Province providing for the protection, safety and health of guests and other inmates are complied with and give directions in writing to the license holder as to providing other or additional accommodations, furniture and appliances or as to any other matter he may deem necessary for the safety, comfort and convenience of guests. 9 Edw. VII. c. 82, s. 30.

Power to
take evidence
under oath.

(3) Where a Provincial Inspector inquires or causes an inquiry to be made into the conduct of any Inspector or License Commissioner or into the manner in which the law is enforced by an Inspector, or into the accounts of an Inspector, the Provincial Inspector may require evidence to be given under oath, which oath he is hereby empowered to administer; and he may also summon witnesses, and enforce

their attendance and compel the production of books and documents, in the same manner and to the same extent as the Inspector of Division Courts. R.S.O. 1897, c. 245, s. 127 (2), *part*; 9 Edw. VII. c. 82, s. 29 (2).

127. The council of any municipality in which a Local Option By-law is in force, may by by-law appoint an officer whose duty it shall be to enforce the provisions of this Act and of any such prohibitory by-law within the municipality, and such council may by by-law provide for the payment of such officer or officers and for payment of any expenses incurred in such enforcement out of the general funds of the municipality and every officer so appointed shall have within the municipality for which he is appointed all the powers possessed by a Provincial officer appointed under section 126 and all the provisions of this Act applicable to any such Provincial officer shall apply as to any officer appointed under this section and acting within the municipality for which he is appointed in the same manner and to the same extent as if such municipal officer were expressly mentioned in such provisions. 6 Edw. VII. c. 47, s. 21.

Appointment of officers by councils to enforce local option by-laws.

128. The Board, with the sanction of the Lieutenant-Governor in Council, may appoint one or more officers to enforce the provisions of this Act, and especially those for the prevention of traffic in liquor by unlicensed houses, and shall fix the security to be given by such officers for the efficient discharge of the duties of their office, and every such officer shall, within the License District for which he is appointed, possess and discharge all the powers and duties of Provincial officers appointed under section 126 other than those of the Provincial Inspectors. R.S.O. 1897, c. 245, s. 128.

Appointment of officers by Board.

129. Every officer so appointed under this Act and every policeman or constable, or Inspector, shall be deemed to be within the provisions of this Act; and where any information is given to any such officer, policeman, constable, or Inspector that there is cause to suspect that some person is contravening any of the provisions of this Act, it shall be his duty to make diligent inquiry into the truth of such information, and to enter complaint of such contravention before the proper Court, without communicating the name of the person giving such information; and it shall be the duty of the Crown Attorney, within the county in which the offence is committed to attend to the prosecution of all cases committed to him by an Inspector or officer appointed under this Act by the Lieutenant-Governor. R.S.O. 1897, c. 245, s. 129.

Duties of officers and Crown Attorneys on receiving information of infringement of this Act.

130.—(1) Any officer, policeman, constable or Inspector may, for the purpose of preventing or detecting the contravention of any of the provisions of this Act which it is his duty to enforce, at any time enter into any and every part

Right of search.

of any inn, tavern, or other house or place of public entertainment, shop, warehouse or other place wherein refreshments or liquors are sold, or reputed to be sold whether under license or not, and may make searches in every part thereof and of the premises connected therewith, as he may think necessary for such purpose.

Penalty for refusing to admit officer.

(2) Every person being therein, or having charge thereof, who refuses or fails to admit such officer, policeman, or constable, or Inspector demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such officer, policeman, constable, or Inspector, or any such searches as aforesaid, shall incur the penalties and punishments prescribed by section 65, and the provisions of subsection 2 of section 103 shall apply to offences under this section. R.S.O. 1897, c. 245, s. 130; 7 Edw. VII. c. 46, s. 6.

Search warrant.

131. Any magistrate having jurisdiction upon information by any officer, policeman, constable or Inspector that there is reasonable ground for belief that any liquor is being kept for sale or disposal contrary to the provisions of this Act in any unlicensed house or place within the jurisdiction of such magistrate, may issue a warrant under his hand, by virtue whereof the person named in such warrant or any constable to whom it is directed or delivered, at any time or times within ten days from the date thereof, may enter, and, if need be, by force, the place named in the warrant, and every part thereof, or of the premises connected therewith, and examine the same and search for liquor therein; and for this purpose the person executing the warrant may, with such assistance as he deems expedient, break open any door, lock, or fastening of such premises, or any part thereof, or of any closet, cupboard, box or other receptacle likely to contain any such liquor; and in the event of any liquor being so found on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purpose of sale contrary to the provisions of section 49. R.S.O. 1897, c. 245, s. 131; 9 Edw. VII. c. 82, s. 31.

Unlawful keeping of liquor to be evidence of illegal dealings therein.

Seizure of liquor found on unlicensed premises.

132.—(1) Where any Inspector, policeman, constable or officer in making or attempting to make any search under or in pursuance of the authority conferred by the next preceding two sections or under the warrant mentioned in the next preceding section, finds in an unlicensed house or place any liquor which in his opinion is unlawfully kept for sale or disposal contrary to this Act, he may forthwith seize and remove the same, and the vessels in which the same is kept, and upon the conviction of the occupant of such house or place, or of any other person for keeping spirituous or fermented liquor for sale in such house or place without license, the magistrate making such conviction, may in and

by such conviction, or by a separate or subsequent order, declare such liquor and vessels, or any part thereof, to be forfeited to His Majesty, to be destroyed or otherwise dealt with in such manner as the Minister may direct. R.S.O. 1897, c. 245, s. 132 (1). *Amended.*

(2) Any Inspector, policeman, constable or officer having in pursuance of the next two preceding sections or either of them entered any unlicensed premises in which he seizes or from which he removes any liquor, may demand the name and address of any person found therein, and if such person refuses to give his name and address, or if the Inspector, policeman, constable or officer has reasonable ground to suppose that the name or address given is false, may examine such person further as to the correctness of such name or address, and may if such person fails upon such demand to give his name or address or to answer satisfactorily the questions put to him by the Inspector, policeman, constable or officer, apprehend him without warrant and carry him, as soon as practicable, before a Justice of the Peace.

Officer may demand names and addresses of frequenters of unlicensed premises.

(3) Any person so found on the premises who in answer to the Inspector, policeman, constable, or officer, refuses to give his name and address or gives a false name or address, or gives false information with respect to such name or address, or fails to answer satisfactorily the questions put to him by the Inspector, policeman, constable or officer, shall incur a penalty of not less than \$10 nor more than \$20 besides costs, and in default of payment shall be imprisoned for a period of not less than twenty and not more than forty days. R.S.O. 1897, c. 245, s. 132.

Penalty upon persons found.

133. If the occupant or other person as aforesaid be not convicted of keeping the liquor or any part thereof for sale, the Inspector, policeman, constable or officer so seizing the liquor, shall return the same to the place where such seizure was made; and he and any other person acting with him, or by or under his direction, and the policeman, constable or other officer so acting shall be a public officer within the meaning of *The Public Authorities Protection Act*. R.S.O. 1897, c. 245, s. 133.

If no conviction liquor shall be returned.

134.—(1) Where an Inspector, policeman, constable or officer finds liquor in transit or in course of delivery upon the premises of any railway company, or at any wharf, railway station, express office, warehouse or other place, and believes that such liquor is to be sold or kept for sale in contravention of this Act, he may forthwith seize and remove the same. 9 Edw. VII. c. 82, s. 32, *part*.

Rev. Stat. c. 89.

Right to seize liquor in transit.

(2) Any Inspector, policeman, constable or officer, if he believes that liquor intended for sale or to be kept for sale in contravention of this Act, is contained in any vehicle on a

Or to search vehicle and lands for liquor.

public highway or elsewhere, or is concealed upon the land of any person, may enter and search such vehicle, and may enter upon and search such land and seize and remove any liquor found there and the vessels in which the same is kept; or if he finds either upon the public highway or elsewhere, any trunk, box, valise, bag or other receptacle whatever which he believes contains liquor for sale in contravention of this Act he may forthwith seize and remove the same together with the package or packages in which such liquor is contained whether in the custody of or under the control of any person or not. 9 Edw. VII. c. 82, s. 32, *part*; 1 Geo. V. c. 64, s. 18.

Proceedings
before a
justice in
such case.

(3) Where liquor has been seized under subsection 1 or subsection 2 the person seizing the same shall give information under oath before a justice of the peace, who shall thereupon issue his summons directed to the shipper, consignee or owner of the liquor if known, calling on him to appear at a time and place named in the summons and show cause why such liquor should not be destroyed or otherwise dealt with as provided by this Act.

Service of
summons.

(4) It shall be sufficient service of the summons if the same is delivered to the shipper, consignee or owner, or be left with some grown-up person at the express office, railway station or other place in which the liquor is found or to the owner of the lands on which the same is found.

When re-
turnable.

(5) The summons shall be made returnable within thirty days after the service thereof.

Evidence.

(6) At the time and place named in the summons any person who claims that the liquor is his property and that the same is not intended to be sold or kept for sale in violation of this Act may appear and give evidence before the justice, and the justice shall receive such evidence and the evidence of the person who seized the liquor and such other evidence as may be adduced in the same manner as upon a complaint or information made under this Act.

Liquor
seized, how
dealt with.

(7) If no person claims to be the owner of the liquor, or if the justice disallows such claim, and finds that it was intended that such liquor was to be sold or kept for sale in contravention of this Act he may order that such liquor and any vessels containing the same shall be forfeited to His Majesty to be destroyed or otherwise dealt with in such manner as the Minister may direct.

To be re-
stored to
owner in
certain cases.

(8) If the justice finds that the claim of any person to be the owner of the liquor is established, and that it does not appear that it was intended to sell or keep such liquor for sale in contravention of this Act he shall dismiss the complaint and order that such liquor be restored to the owner.

(9) If it appears to the justice that such liquor or any part thereof was consigned to some person in a fictitious name or was shipped as other goods, or was covered or concealed in such manner as would probably render discovery of the nature of the contents of the vessel, cask or package in which the same was contained more difficult, it shall be *prima facie* evidence that the liquor was intended to be sold or kept for sale in contravention of this Act. 9 Edw. VII. c. 82, s. 32, *part*.

Shipping in fictitious name evidence of intention to sell unlawfully.

(Note.—*Liquor seized under this Act cannot be replevied.* Rev. Stat. c. 69. See *The Replevin Act*.)

135. Any liquor forfeited under this Act to His Majesty and directed by the Minister to be sold shall be sold to a license holder only and the proceeds after the payment of any lawful costs of carriage and the expenses of the seizure and sale shall be paid to the Treasurer of Ontario for the use of the Province. See 9 Edw. VII. c. 82, s. 32, *part*.

Disposal of liquor forfeited.

136.—(1) Every Inspector, policeman, constable or officer in each municipality shall see that the several provisions of this Act are duly observed, and proceed by information and otherwise prosecute for the punishment of any offence against the provisions of this Act; and in the case of wilful neglect or default in so doing in any case, such officer, policeman, constable or Inspector shall incur a penalty of \$10, besides costs, for every such neglect or default.

Duty of constables and others to prosecute offenders.

Penalty for neglect.

(2) The Board of Commissioners of Police, if any, and the Chief of Police shall enforce the provisions of this section, and any officer or policeman convicted of contravening the provisions thereof may be summarily dismissed. R.S.O. 1897, c. 245, s. 134.

Commissioners of police and chief of police to enforce this section.

LOCAL OPTION.

137.—(1) The council of every city, town, village and township may pass by-laws for prohibiting the sale by retail of liquor, in any tavern, and for prohibiting the sale thereof, except by wholesale, in shops and places other than houses of public entertainment: Provided that the by-law, before the final passing thereof, has been duly approved of by the electors of the municipality in the manner provided by the sections in that behalf of *The Municipal Act*. R.S.O. 1897, c. 245, s. 141 (1).

Powers of municipal councils as to prohibiting sale of liquor.

Rev Stat, c. 192.

(2) No person shall vote upon any proposed by-law submitted to the electors under this section who is not at the date of taking the vote and has not been for three months before that date a *bona fide* resident of the municipality to which the proposed by-law relates and as to such persons the certi-

Certain non-residents to vote under this section.

Rev. Stat. c. 6. fied list mentioned in section 24 of *The Ontario Voters' List Act* shall not be final and conclusive. 1 Geo. V. c. 64, ss. 21, 23.

Proposed by-law to be submitted at municipal elections. Rev. Stat. c. 192.

(3) The day fixed for taking the votes of the electors on the proposed by-law shall be the day upon which under *The Municipal Act*, or any by-law passed under that Act, a poll would be held at the annual election of members of the council of the municipality. 6 Edw. VII. c. 47, s. 24, *part*.

Council to submit by-law on petition of 25 per cent. of electors.

(4) If a petition in writing signed by at least twenty-five per cent. of the total number of persons appearing by the last revised voters' list of the municipality to be qualified to vote at municipal elections is filed with the clerk of the municipality, on or before the 1st day of November next preceding the day upon which such poll would be held, praying for the submission of such proposed by-law it shall be the duty of the Council to submit the same to a vote of the municipal electors as aforesaid. 6 Edw. VII. c. 47, s. 24, *part*; 7 Edw. VII. c. 46, s. 11.

By-law to be passed if approved by three fifths of persons voting.

(5) If three-fifths of the electors voting upon such proposed by-law approve of the same the council shall within six weeks thereafter finally pass such by-law, and this subsection shall be construed as compulsory and the duty so imposed upon the council may be enforced at the instance of any municipal elector by *mandamus* or otherwise.

When by-law not so approved no new submission for three years.

(6) If such proposed by-law does not receive the approval of at least three-fifths of the electors voting thereon the council shall not pass the same; and no proposed by-law for the same purpose shall be submitted to the municipal electors before the date of polling for the third annual election of members of the council to be held after that at which the voting on the first mentioned by-law took place. 6 Edw. VII. c. 47, s. 24, *part*.

Repealing local option by-law.

(7) No by-law passed under the provisions of subsection 1 shall be repealed by the council passing the same until after a proposed by-law for that purpose has been submitted to the electors and approved by three-fifths of the electors voting thereon, in the same manner as in the case of the original by-law, on the polling day at the third or some subsequent annual municipal election held after the passing of such original by-law; and if such proposed repealing by-law is not so approved, no other repealing by-law shall be submitted to the electors until the polling at the third annual municipal election thereafter. 6 Edw. VII. c. 47, s. 24, *part*.

Application of sub. 4.

(8) The provisions of subsection 4 shall apply to a repealing by-law. 3-4 Geo. V. c. 54, s. 7.

Local Option passed before 27th April, 1906

(9) Any by-law passed under subsection 1 before the 27th day of April, 1906, may be so repealed with the approval of

a majority of the electors voting upon such repeal. 6 Edw. VII. c. 47, s. 24, *part*.

(10) Every by-law passed under this section shall come into force and take effect as from the 1st day of May next after the passing thereof. 6 Edw. VII. c. 47, s. 24, *part*. When by-law to take effect.

(11) The form of the ballot paper to be used for voting on a proposed by-law under this section or any subsection thereof shall be as follows: Form of local option ballot.

19
Voting on By-law to (insert here object of the By-law) submitted to the council of the of

For Local Option.

Against Local Option.

8 Edw. VII. c. 54, s. 10.

(12) Notwithstanding anything in this section or in *The Municipal Act*, the oath to be taken by any person offering to vote upon any such by-law shall be as follows:— Form of oath in voting on local option by-law. Rev. Stat. c. 192.

You swear (or solemnly affirm) that you are the person named (or intended to be named) by the name of in the list (or supplementary list) of voters now shown to you (showing the list to the voter);

And in the case of an unmarried woman or widow claiming to vote,

That you are unmarried (or a widow, as the case may be);

And in the case of a freeholder,

That at the date of this election you are in your own right (or your wife is) a freeholder within this municipality.

And in the case of a tenant,

That you were (or your wife was) actually, truly and in good faith possessed to your (or her) own use and benefit as tenant of the real estate in respect of which your name is entered on the said list;

That you are (or your wife is) a tenant within this municipality;

[And in the case of a person claiming to vote in respect of income,

That on the day of 19 (the day certified by the clerk as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, or at the option of the voter the day certified by the clerk as the last day for making complaint to the county judge with respect to such voters' list) you were and thenceforward have been continuously and still are a resident of this municipality.

That at the said date and for twelve months previously you were in receipt of an income from your trade (office, calling or profession, as the case may be) of a sum of not less than \$400;]

[And in the case of a person claiming to vote as a farmer's son,

That on the day of 19 *(the day certified by the clerk as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, or at the option of the voter the day certified by the clerk as the last day for making complaint to the county judge with respect to such voters' list).* A.B. (naming him or her) was actually, truly and in good faith possessed to his (or her) own use and benefit as owner (or as tenant under a lease, the term of which was not less than five years), as you verily believe, of the lands in respect of which your name was entered on the said list.

That you are a son (or stepson) of the said A.B.

That you resided on the said property for twelve months next before the said day, not having been absent during that period, except temporarily and for not more than six months in all.]

That you are not a citizen or subject of any foreign country.

That you are a natural born (or naturalized) subject of His Majesty and of the full age of twenty-one years.

That you have not voted before upon this by-law, either at this or at any other polling place.

That you are a *bona fide* resident of this municipality and have continuously resided therein for three months prior to this date.

[And in the case of a municipality divided into polling sub-divisions.

That you reside in this polling sub-division (or that you are not entitled to vote in the polling sub-division in which you reside).]

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender upon this by-law.

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote upon this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected with the submission of the by-law.

That you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting upon this by-law.

So help you God.

(In the case of a new municipality in which there has not been any assessment roll, then instead of referring to the list of voters the person offering to vote as a freeholder or tenant may be required to state in the oath the property in respect of which he claims to vote.) 1 Geo. V. c. 64, s. 22.

Sales in municipalities in which local by-laws in force.

138. —(1) No tavern or shop license shall be issued or take effect within any municipality in which there is in force any Local Option By-law; but the sale or keeping for sale of liquor without license in any such municipality shall nevertheless be a contravention of sections 48 and 49, and all the provi-

sions of this Act respecting the sale or keeping for sale of liquor in contravention of those sections, and the penalties and procedure in reference thereto, shall be of full force and effect in such municipality, notwithstanding such prohibitory by-law. R.S.O. 1897, c. 245, s. 143.

(2) Whenever an appropriation is made by this Legislature for enforcing the provisions of this Act in municipalities in which Local Option By-laws are in force, the Minister, in any case in which such a by-law is in force in any municipality in any License District in Ontario, may by his order direct the payment out of such appropriation of any sum which he may think necessary to enforce this Act in such License District or any part thereof, including the payment of the salary and expenses or any part thereof of the Inspector for such district. 1 Geo. V. c. 64, s. 17.

Payment of expenses of enforcing local option by-law.

See also section 16 (4).

139.—(1) Where a Local Option By-law is declared by the Clerk of the municipality or other Returning Officer to have received the assent of three-fifths of the electors voting thereon, and is after such declaration quashed or set aside, or held to be invalid or illegal, or where such a by-law after having been declared not to have received the assent of three-fifths of the electors, is held upon a scrutiny to have received such assent, and is subsequently quashed or held to be invalid or illegal, no tavern or shop license, as the case may be, shall be issued in the municipality in which the by-law was submitted after the date of such submission and until the first day of May in the year in which a repealing by-law might have been submitted to the electors if the first-mentioned by-law had been declared valid, without the written consent of the Minister first had and obtained.

Where local option by-law set aside, etc., on technical grounds.

(2) This section shall be held to apply to all by-laws submitted to the electors since the 31st day of December, 1906. 8 Edw. VII. c. 54, s. 11.

Application of section.

140.—(1) In any municipality in which a Local Option By-law is in force or in which no tavern license is issued, and in any locality without municipal organization, one or more permits under this section may be granted to a suitable person or persons to establish and carry on an hotel for the accommodation of the travelling public and other guests, and such permit or permits may be granted by the Board of the License District in which the premises in respect of which the permit is desired are situate, and, except as herein varied, all the provisions of this Act, so far as the same are applicable, shall apply to holders of permits under this section, and the premises in respect of which any such permit is granted shall be subject to inspection in the same way and to the same extent as are premises licensed under any other provisions of this Act, and the permit may be revoked for any cause which may by the Board be deemed sufficient.

Permits may be issued in L. O. Municipalities.

"Inspected"
hotels.

(2) An hotel for which a permit is granted shall be known as an inspected hotel.

Annual fee.

(3) The annual fee to be paid for any such permit shall be \$5, and the same may be granted at any time during the year on payment of the fee, and may be transferred without charge by the Board on application by the holder thereof.

Form of
permit.

(4) The permit shall be in such form as may be approved by the Lieutenant-Governor in Council, and no greater number of permits shall be issued in any municipality than are reasonably sufficient in the opinion of the Board to meet the public needs of the locality.

Accommodation
necessary.

(5) The accommodation to be provided by the holder of any such permit shall correspond as nearly as may be to the accommodation required to be provided under sections 31 and 32; but in cases in which in the opinion of the Board stabling is not necessary the same may be dispensed with by resolution of the Board. 9 Edw. VII. c. 82, s. 35, *part*.

Inspection of
hotels in local
option
municipalities.

(6) Nothing in this section shall require the keeper of an hotel of the class mentioned in subsection 1 to obtain a permit, but any Provincial License Inspector may, nevertheless at any time, inspect any hotel situate in any municipality or locality to which subsection 1 applies, and if the Inspector finds that the accommodation provided in any such hotel falls below the standard usually provided in licensed hotels in other similar municipalities or localities, he shall report the facts to the Minister for his information. 9 Edw. VII. c. 82, s. 35, *part*; 2 Geo. V. c. 55, s. 10.

Persons found
intoxicated in
local option
municipalities.

141. Where in a municipality in which a Local Option By-law is in force, a person is found upon a street or in any public place in an intoxicated condition owing to the drinking of liquor, he shall be guilty of an offence against this Act, and upon any prosecution for such offence he shall be compellable to state the name of the person from whom and the place in which he obtained such liquor, and in case of his refusal to do so he shall be imprisoned for a period not exceeding three months or until he discloses such information. 2 Geo. V. c. 55, s. 13.

MUNICIPALITIES UNDER THE TEMPERANCE ACTS.

1705 V. c. 1, and
R.S.O. 1897,
c. 245, s. 144,
repealed by
this Act.

142. Nothing in the foregoing provisions of this Act shall be construed to affect or impair any of the provisions of *The Temperance Act 1864*, of the late Province of Canada, and the second part of *The Canada Temperance Act*, and no tavern or shop license shall be issued or take effect within any county, or other municipality in Ontario within which any by-law for prohibiting the sale of liquor under *The Temperance Act of 1864*, or the second part of *The Canada Temperance Act* is in force. R.S.O. 1897, c. 245, s. 144.

143. The Lieutenant-Governor in Council may, notwithstanding that any such by-law affects the whole or any part of any county, or that the second part of *The Canada Temperance Act* is in force in the whole or part of any county, nominate a Board of License Commissioners of the number, and for the period mentioned in section 5, and also an Inspector; and such Board and Inspector shall have, discharge and exercise all such powers and duties respectively for preventing the sale, traffic or disposal of liquor contrary to the said Acts or this Act as they respectively have or should perform under this Act. R.S.O. 1897, c. 245, s. 145.

Commissioners and inspectors may be appointed where said Acts in force.

144. The Board and the Inspector appointed under this Act shall exercise and discharge all their respective powers and duties for the enforcement of the provisions of *The Temperance Act of 1864*, and the second part of *The Canada Temperance Act* as well as of this Act, so far as the same apply, within the limits of any county, city, or other municipality within which any Local Option By-law or any by-law under *The Temperance Act of 1864*, or *The Canada Temperance Act* is in force. R.S.O. 1897, c. 245, s. 146.

Duties in such case.

27-28 V. c. 18;
R.S.C. c. 152.

145. All the provisions of sections 126 and 128 shall be applicable to municipalities in which the second part of *The Canada Temperance Act* is in force. R.S.O. 1897, c. 245, s. 149.

Application of ss. 127 and 128.

146. The council of any county or city in which the second part of *The Canada Temperance Act* is in force, may, from time to time, set apart any sum or sums of money for the purpose of paying any officer or officers, person or persons, for enforcing, or assisting to enforce *The Canada Temperance Act* within their respective jurisdictions, and for the payment of any costs or expenses incurred in and about enforcing, or attempting to enforce the same; and such councils are hereby authorized and empowered to appoint one or more officers or persons to enforce, or assist in enforcing, the provisions of that Act, and to pass by-laws for the government and control of such officers or persons, and defining their duties and mode and amount of payment. R.S.O. 1897, c. 245, s. 150 (1).

Municipal councils may aid in enforcing the Canada Temperance Act.

R.S.C. c. 152.

147. In license districts where the second part of *The Canada Temperance Act* is in force, the council of any city, town, village or township may, at any time after a petition to the Governor in Council, as required by that Act, praying for the revocation of the Order in Council passed for bringing the second part of that Act into force, has been deposited in the manner provided by that Act, pass by-laws under subsection 5 of section 13, or sections 28 or 42; and all by-laws so passed shall take effect upon from and after the repeal of the second part of *The Canada Temperance Act* in any such municipality, and shall remain in force as provided by

Powers to pass by-laws under ss. 13, 28, 42 pending repeal of C. T. Act.

R.S.C. c. 152.

those sections; and no by-law already passed in any municipality under those sections or any of them or under any provision for which any of them has been substituted subsequently to the deposit of the said petition during the year 1889, shall be invalid by reason only of the same having been passed while the second part of *The Canada Temperance Act* was in force or after the dates mentioned in any of the said sections respectively. R.S.O. 1897, c. 245, s. 151 (1).

Expenses of enforcing this Act in municipalities under the Temperance Acts.

R.S.C. c. 152.

148.—(1) The expenses of carrying into effect such of the provisions of this Act, or of the Acts or by-laws hereinafter mentioned, as may be in force in municipalities where a by-law prohibiting the sale of liquor under *The Temperance Act* of 1864, or where the second part of *The Canada Temperance Act* is in force, except as is hereinafter provided, shall be borne and paid by the county or city within which any by-law for prohibiting the sale of liquor under *The Temperance Act* of 1864, or within which the second part of *The Canada Temperance Act*, is in force; and where the by-law is that of a minor municipality, such expenses shall be paid by the minor municipality.

How and when payable.

(2) The expenses payable under this section by a county or city, or by a minor municipality, shall be paid by it into the bank in which the License Fund is kept to the credit of the License Fund Account for the District, and shall become due and payable within one month after an estimate of the amount of the expenses for the current license year has been made by the Board for the License District, and approved by the Minister (which approval shall be final and conclusive) and after a copy or duplicate of such estimate and approval, together with a notice in writing by the Board, requesting payment of the amount payable by the municipality has been served upon the clerk of the county or city, or minor municipality, on such days and times as by the said request or notice are named for that purpose; and in case any estimate proves insufficient for the payment of the expenses of the license year any deficiency may be provided for in the estimate for the succeeding year; and in case any sums remain unexpended in any year, the same may be applied on account of the expenses of the succeeding year.

Payment of how enforced.

(3) Payment may be enforced against any county, city or minor municipality, by the Board by action or proceedings in the name and by the title of "The Board of License Commissioners for the License District of _____," and it shall not be necessary to mention or include the names of the License Commissioners in the proceedings; and the action or proceedings may be carried on in the name of such Board as fully and effectually as though such Board were incorporated under such name or title; and in the event of the death or resignation of any of the License Commissioners, or of the expiry of their commission and of the re-ap-

pointment of the same, or of the appointment of other License Commissioners, the action or proceedings shall not cease, abate or determine, but shall proceed as though no change had been made in the Board or License Commissioners, and, in the event of the Board being condemned in costs, the same may be payable out of the License Fund.

(4) In cities which are separate License Districts in which the second part of *The Canada Temperance Act* is in force the expenses of enforcing or carrying into effect the provisions of that Act shall be borne by the city, as in the case of counties in which the second part of that Act is in force and such expenses of the city shall be estimated and ascertained, and become due and payable, and payment may be enforced against the city in the same manner or under like circumstances as are provided in the case of county municipalities and all of the provisions of this Act, having reference to such expenses and the mode of ascertaining, fixing and collecting them, which are applicable to counties in which the second part of *The Canada Temperance Act* is in force shall also apply to cities in which the same is in force.

Expenses of enforcing C. T. Act in cities.

(5) In any License District in which the second part of *The Canada Temperance Act* is in force and the License District, in addition to other portions of the county, embraces a city or town withdrawn from the county for municipal purposes wherein that Act is not in force, the License Fund of such city or town withdrawn from the county for municipal purposes shall be kept as a separate License Fund for such city or town; and such city or town shall pay a just share of the expenses of such License District to be determined by the Board and, after approval by the Minister, paid out of the License Fund for such city or town; and in determining such share of expenses the Board shall take into account with other circumstances, as far as may be, the proportion of the expenses incurred in such city or town.

Payment of expenses of license district where C. T. Act is in force in part only of district.

(6) Where a city in which the second part of *The Canada Temperance Act* is in force and which is not a separate License District but forms part of a License District in which the second part of *The Canada Temperance Act* is also in force as to the whole or part of such License District, and where a town is separated from the county and forms part of a License District in which the second part of *The Canada Temperance Act* is in force, as to the whole or part thereof, the council of such city and of such town, respectively, shall pay a just share of the expenses of the License District of which it forms a part, to be separately estimated and determined by the Board, and after approval by the Minister, paid into the License Fund of the License District of which such city or town forms part; and in

Share of expenses of license district to be paid by city or town in district in which R. S. C. c. 152 is in force.

determining such share of expenses the Board shall take into account with other circumstances as far as may be the proportion of the expenses of the district incurred in such city or town.

Apparatus in case of license district
part of territory in
which T.A.
is in force.

(7) Where a License District is formed of part of a county in which the second part of *The Canada Temperance Act* is in force, or of parts of two counties in which the second part of that Act is in force, or of part of a county in which it is in force, and of a county or part of a county in which it is not in force, the Board shall estimate the amount of the expenses for the license year required for any License District or portion of a License District in which the second part of that Act is in force, and after approval thereof by the Minister and the service of a copy or a duplicate thereof, and of a notice in writing requesting payment of the same, upon the clerk of the municipality, the amount so estimated and approved shall become due and payable into the License Fund by the county at the time or times and in the same manner as is provided for payment of the amount of the estimates in other cases, and the same may be recovered by the Board for the License District as in other cases. R.S.O. 1897, c. 245, s. 152 (1-7).

Inspector to
submit
statement.

(8) When the council has been called upon to pay a proportion of the expenses of the enforcement of the second part of *The Canada Temperance Act*, the Inspector shall, at the close of each year, send to the council a statement in detail of the receipts and expenses of the year. R.S.O. 1897, c. 245, s. 150 (2).

"Minor municipality,"
meaning of.

(9) The words "minor municipality" in this section shall be held to mean any municipality, other than a county, union of counties or a city. R.S.O. 1897, c. 245, s. 152 (9).

Application of
fees in
license where
T.A. is
in force.

149. All sums received as fees for licenses issued in municipalities in which the second part of *The Canada Temperance Act* is in force, and any sum paid by a municipality for or on account of such expenses, or by the Province, shall form the License Fund of the city, county or License District respectively in which the second part of *The Canada Temperance Act* is in force, and shall be applied under regulations of the Lieutenant-Governor in Council, towards payment of the salary and expenses of the Inspector, and for the expenses of the office of the Board and of officers, and otherwise in carrying the provisions of the second part of *The Canada Temperance Act* into effect, and the residue, if any, on the 30th day of June in each year, and at such other times as may be prescribed by the regulations of the Lieutenant-Governor in Council, may be applied on account of the expenses of the succeeding year. R.S.O. 1897, c. 245, s. 154.

150. The Lieutenant-Governor in Council shall have the same power and authority to create License Districts when and where the second part of *The Canada Temperance Act* is in force, as under this Act. R.S.O. 1897, c. 245, s. 156.

License districts in places where the R.S.C. c. 152 is in force.

PROHIBITING LIQUOR NEAR PUBLIC WORKS AND OTHER PLACES.

151.—(1) The Lieutenant-Governor in Council whenever he deems it expedient, owing to the construction of any public work in Ontario, or for any other reason, may declare by proclamation that upon and after a day named therein no liquor shall be sold or kept for sale within the limits of any place or locality designated in the proclamation by any person licensed to sell liquor by retail, and the license of any such person shall thereupon become suspended and be of no effect during the time any such proclamation is in force; but the proportionate part of any license duty paid by such person having regard to the period during which such license is suspended, shall be returned to such license holder out of any moneys available for that purpose.

Prohibiting sale, etc., of liquor near public works.

(a) In this section "public work" shall mean and include any railway, canal, road, bridge or other work of any kind, and any lumbering or mining operation carried on by the Government of Canada or of Ontario or by any municipal corporation or by any incorporated company or by private enterprise.

"Public work," meaning of.

(2) Such proclamation may also declare that while it remains in force no unlicensed person shall have in his possession within the limits of any such place or district, except under the order of a legally qualified medical practitioner, any liquor whatever; but this provision shall not be deemed to apply to a chemist or druggist carrying on business as such within the said limits nor to any person whose license has been temporarily suspended.

Prohibiting unlicensed persons from having liquor in possession.

(3) The Lieutenant-Governor in Council may, in like manner, from time to time, declare such proclamation to be no longer in force in any such place or locality or any part thereof.

Proclamation withdrawing prohibition.

(4) Every proclamation issued under this section shall be published in the next following issue of the *Ontario Gazette*.

Publication.

(5) No such proclamation shall have effect within the limits of any city.

Not to apply to cities.

(6) While such proclamation remains in force every person who sells or keeps for sale or has in his possession any liquor in contravention of the terms thereof shall be guilty of an offence and shall incur a penalty of not less than \$100 nor more than \$500, or may upon conviction for such offence be imprisoned for any period not less than one month and not exceeding four months. 2 Geo. V. c. 55, s. 12.

Penalty.

PART II.

PROVINCIAL LICENSES.

*Brewers' and Distillers' Licenses.*Interpreta-
tion.**152. In this Part**

"Brewer,"

(a) "Brewer" shall, in addition to private persons and partnerships, include any incorporated company carrying on the business of a brewer within Ontario;

"Distiller,"

(b) "Distiller" shall, in addition to private persons and partnerships, include any incorporated company carrying on the business of a distiller within Ontario;

"Wholesale
License,"
"License by
Wholesale Sale."

(c) "Wholesale License" shall mean a license for selling, by wholesale only, liquor in warehouses, stores, shops, or places other than taverns, in quantities of not less than five gallons in each cask or vessel at any one time; or where such selling by wholesale is in respect of bottled ale, porter or beer, wine or other fermented liquor, in quantities of not less than one dozen bottles of at least three half-pints each, or two dozen bottles of at least three-fourths of one pint each, at any one time, or where such selling is in respect of distilled liquor, in quantities of not less than five gallons when sold in bulk or one dozen reputed quart bottles or a quantity equivalent thereto when in flasks or bottles of a smaller size, at any one time. R.S.O. 1897, c. 245, s. 2, par. 4; 2 Geo. V. c. 55, s. 1.

Brewers and
distillers not to
sell without
Provincial
License.

153.—(1) No brewer or distiller shall sell any spirituous or fermented liquors unless he is the holder of a Provincial License for the sale of liquor manufactured by him, nor unless the license is in force at the time of such sale. 62 V. (2), c. 31, s. 2.

License, how
styled.

(2) The license to be taken out by a brewer shall be styled a "Brewer's Provincial License" and that to be taken out by a distiller a "Distiller's Provincial License." 62 V. (2), c. 31, s. 3.

Carrying on
business at
more than one
place.

154. Where a brewer or distiller carries on the business of a brewer or distiller on premises at two separate places, a separate license shall be taken out for each place. 62 V. (2), c. 31, s. 25.

What sales
may be made by
holder of Provin-
cial License of
brewer.

155.—(1) A Brewer's Provincial License shall be an authority for the holder thereof to sell to persons who are holders of licenses under Part I ale and beer on the premises

in or on which they are manufactured, in the quantities hereinafter mentioned, and shall authorize him to sell the same in such quantities to such persons in any part of Ontario for future delivery. 62 V. (2), c. 31, s. 4 (1) *part*.

(2) Such license shall also be an authority for the holder ^{Idem.} thereof to sell ale and beer in the quantities specified in subsection 4, on such premises to others than licensees, but no such last mentioned sale shall be made either directly or indirectly within any municipality in which a Local Option by-law is in force. 62 V. (2), c. 31, s. 4 (1) *part*; 9 Edw. VII. c. 82, s. 47; 1 Geo. V. c. 64, s. 16.

(3) In a municipality in which no tavern or shop license is in force, no liquor shall be stored or kept by any brewer or other person whomsoever, for future delivery to any customer or other person notwithstanding that such liquor or some part thereof may have been previously ordered or appropriated to a customer or other person and any brewer or other person contravening this provision shall be deemed conclusively to have kept liquor for sale without the license therefor by law required. ^{Storing for future delivery where no license in force.}

(a) Liquor not actually delivered into the possession of the person for whom it purports to be intended in any such municipality shall be deemed to be kept for sale by the person in whose possession such liquor is found. ^{When to be deemed to be kept for sale.}

(b) Any person who suffers or permits any liquor, of which he is not the *bona fide* owner, to be stored or kept on his premises in any such municipality shall be guilty of an offence against Part 1. ^{Storing liquor.} 2 Geo. V. c. 55, s. 4.

(4) Ale, and beer other than lager beer, shall not be sold, bartered or trafficked in by any brewer in quantities less than ten gallons, wine measure, in each vessel at any one time, and lager beer shall not be sold, bartered or trafficked in by any brewer in quantities less than four gallons, wine measure, in each vessel at any one time; and if such selling is in respect of bottled ale, beer or other fermented liquors no sale shall be made in quantities less than one dozen bottles of at least three half pints each or two dozen bottles of at least three-fourths of one pint each at any one time. 62 V. (2), c. 31, s. 4. ^{Quantities ale and beer.}

156. A Distiller's Provincial License shall be an authority for the holder thereof to sell in quantities authorized by whole-sale license, spirits manufactured by him, if the sale is made on the premises in which such spirits are manufactured, and also to sell in any municipality in Ontario for future delivery in such quantities. 62 V. (2), c. 31, s. 5. ^{What may be sold by distiller.}

Warehouse
license.

157.—(1) A brewer or distiller holding a Brewer's or a Distiller's Provincial License, respectively, may upon payment of the additional fee prescribed by this Part take out one or more licenses to be known as a Brewer's Warehouse License or Licenses or a Distiller's Warehouse License or Licenses, respectively. 5 Edw. VII. c. 31, s. 1.

Warehouse
license, what
authorized by.

(2) A Brewer's or Distiller's Warehouse License shall be authority for the holder thereof to maintain and keep in any city or town for which such license may be issued a warehouse for the storage of unbroken packages of beers or spirits manufactured by him, and to sell and supply therefrom to customers in such city or town such beers or spirits in the quantities authorized by this Part to be sold under Provincial Licenses; but no such beers or spirits shall be sold to any unlicensed person in any municipality having a population of less than 4,000, nor shall any such beers or spirits be sold or delivered by or on behalf of any holder of a Brewer's Warehouse License within any municipality in which a Local Option By-law is in force. 5 Edw. VII. c. 31, s. 2, *part*; 9 Edw. VII. c. 82, s. 43.

Brewery or
distillery not to
communicate
with retail
store.

(3) No shop or premises wherein any liquor is sold by retail or wherein is kept any broken package of any liquor shall communicate by any entrance with any brewery or distillery. 62 V. (2), c. 31, s. 6.

Minister's
discretion to
refuse.

158. The Minister may in any case refuse to issue a Brewer's or Distiller's Warehouse License if he deems such refusal expedient in the public interest. 1 Geo. V. c. 64, s. 13, *part*.

Fees for
brewer's
Provincial
License.

159.—(1) The annual fee to be paid for a Brewer's Provincial License shall be:—

Where the amount invested in the business of the brewer obtaining the license is \$10,000 or less.....	\$250
Where the amount so invested exceeds \$10,000, but is not more than \$20,000	400
Where the amount so invested exceeds \$20,000, but is not more than \$50,000	500
Where the amount so invested exceeds \$50,000, but is not more than \$100,000	750
Where the amount so invested exceeds \$100,000, but is not more than \$150,000	1,000
Where the amount so invested exceeds \$150,000, but is not more than \$200,000	1,500
Where the amount so invested exceeds \$200,000...	2,000

62 V. (2), c. 31, s. 7.

Payment of

(2) (a) If the applicant for a Brewer's Provincial License so desires the annual license fee or duty payable to the Province may be paid on or before the 1st day of October in each

year; and in that event the Minister may issue to the applicant a permit which shall remain in force for a period of five months, that is to say from the 1st day of May in the year in which it is issued until the 1st day of October in the same year and no longer, and while in force shall confer on the holder the same privileges and authority as if he had obtained a license.

Permit for first half year on payment of instalment.

(b) The Lieutenant-Governor in Council may direct the issue of permits in such form as he may provide to be used in place of licenses and such permits shall be signed by the Minister and dated as of the 1st day of May in each year and shall be absolutely void and of no effect after the 1st day of October in the year in which the same is issued.

Form and duration of permits.

(c) All the provisions of Part 1 with regard to licenses and offences and penalties shall apply to persons holding permits in the same manner and to the same extent as if such persons were licensees.

Applications of provisions of Part I.

(d) It shall not be necessary in any proceedings under Part 1 to specify or particularize the permit, but the same shall be included for all such purposes in the word "license."

"License" to include permit.

63 V. c. 42, s. 3.

(3) The annual fee to be paid for a Brewer's Warehouse License shall be:—

Fees for brewer's warehouse licenses.

In cities or towns having a population under 20,000.	\$100
In cities or towns having a population of 20,000 and under 100,000	200
In cities or towns having a population of over 100,000	300

5 Edw. VII. c. 31, s. 2, part.

160.—(1) The annual fee to be paid for a Distiller's Provincial License shall be as follows:—

Fees for distiller's Provincial License.

Where the amount invested in the business of the distiller obtaining the license is \$50,000 or less.....	\$1,000
Where the amount so invested exceeds \$50,000, but is not more than \$125,000	3,000
Where the amount so invested exceeds \$125,000, but is not more than \$200,000	4,000
Where the amount so invested exceeds \$200,000, but is not more than \$500,000	5,000
Where the amount so invested exceeds \$500,000....	6,500

(2) The Lieutenant-Governor in Council, where it is shown that the sales made by any distiller were during the preceding year less than 10,000 gallons of proof spirits and that the sale will not exceed that quantity during the calendar year in which the license is to be issued, may issue a Distiller's Provincial License at a sum not less than one-third the minimum charge for such a license. 62 V. (2), c. 31, s. 8.

Reduction in fees in certain cases.

Fees for
distiller's
warehouse
licenses.

(3) The amount of the annual fee to be paid for a Distiller's Warehouse License shall be double the amount herein fixed to be paid for a Brewer's Warehouse License. 5 Edw. VII. c. 31, s. 3.

Apportionment
of license fee
for unexpired
period.

161. Where a new brewery or distillery business is commenced subsequently to the 1st day of May of any year, the Minister may issue a license on payment of a just proportion of the fee, having regard to the time for which such license is to run, and where a brewer or distiller has given up business during the currency of a license year so that neither manufacture nor sales will take place for the residue of such year, the Treasurer may in his discretion, on surrender of the license, refund a just proportion of the license fee paid. 62 V. (2), c. 31, s. 9.

Amount
invested in
business how
determined.

162.—(1) In ascertaining the amount invested in the business of a brewer or distiller for the purpose of determining the sum to be paid for a Brewer's or Distiller's Provincial License, there shall be included the value of the land, buildings and plant used or occupied by a brewer or distiller for the purpose of his business as such brewer or distiller, the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith and the value of the stock in trade on hand and of all land and buildings, plant, goods and chattels and personal property connected with or belonging to the business of such brewery or distillery; and the aggregate of such values shall be deemed to be the amount invested in the business of the brewer or distiller for the purpose of determining the amount to be paid for such a license.

Comparison
of debts.

(2) In making such valuation the debts owing to the brewer or distiller in respect of his business shall not be taken into account nor shall his liabilities or debts owing by him be deducted, nor shall it be necessary to specify in the affidavit hereinafter mentioned the value of the building and plant used in malting, or in fattening of cattle or swine, or of any other like business carried on in connection with the brewery or distillery, either in proximity thereto or elsewhere, or of the stock of malt on hand. 62 V. (2), c. 31, s. 10 (1), *part*; 63 V. c. 42, s. 1.

Date at which
value
ascertained.

(3) Such value of the investment shall be ascertained as it was on the 31st day of December preceding the issue of the license, unless, upon the report of the Minister, the Lieutenant Governor in Council by general regulation or in any particular case designates some other date. 62 V. (2), c. 31, s. 10 (2).

License, form
and conditions.

163.—(1) Brewers' Provincial Licenses, Distillers' Provincial Licenses and Brewers' and Distillers' Warehouse Licenses shall be issued in such form as the Lieutenant-Gover-

nor in Council directs. 62 V. (2), c. 31, s. 11 (1); 5 Edw. VII. c. 31, s. 4.

(2) The license shall be signed and issued by the Minister, ^{Date.} and shall, except where it is issued for a part of the year, be dated as of the 1st day of May in each year, and shall continue in force until and including the 30th day of April in ^{Duration.} the next ensuing year and no longer.

(3) A brewer or a distiller desiring to obtain a license shall ^{Application for license.} apply therefor to the Minister on or before the 1st day of April next preceding the license year for which the same is required, except in the case of a new business which begins subsequently to that date. 62 V. (2), c. 31, s. 11 (2-3).

164.—(1) Every brewer and distiller shall, on or before ^{Statement under oath by brewer or distiller.} the 15th day of February of each year, file with the Minister an affidavit, Form 15, 16, or 17 as may be applicable, or in such other form as may be directed or provided by the Minister.

(2) If the Minister in order to enable him to determine ^{Treasurer may require further information.} whether he should accept the affidavit as correct, desires to obtain further information, any brewer or distiller who is, by registered letter, requested by the Minister to furnish further information as to the amount invested in his business or as to the value of any lands, buildings, plant, goods or chattels, or property mentioned in section 162 shall within twenty days of his being so requested furnish such further information, verified by affidavit.

(3) Where the business is carried on by an incorporated ^{Statement when company carries on business.} company the affidavit and information required by this section shall be made and furnished by the president and manager, or by the manager and secretary of the company, or if there are no such officers, then by such persons as the Minister may designate.

(4) Where a brewer or distiller has paid or is willing to ^{When affidavit dispensed with.} pay for a license the maximum fee imposed by this Part the Minister may dispense with the filing of such affidavit. 62 V. (2), c. 31, s. 12.

(5) If a brewer or distiller fails to file the statement required by this section within the time therein specified and thereafter applies for a license he shall, besides the fee prescribed, pay for such license in addition the sum of \$10 for each day's delay in filing such statement, unless the Lieutenant-Governor in Council, upon the report of the Minister, sees fit, upon proof of extenuating or mitigating circumstances, to relieve the applicant in whole or in part from such additional payment. 62 V. (2), c. 31, s. 18.

165.—(1) If the required information is not furnished or ^{Commission of inquiry as to statements.} the Minister is not satisfied therewith, the Lieutenant-Governor in Council may direct inquiry to be made by a commis-

Rev. Stat.
c. 18.

sioner or commissioners appointed under *The Public Inquiries Act*, and the determination of such commissioner or commissioners, after giving the brewer or distiller an opportunity to be heard, shall be final for the purposes of this Part, as to the amount invested in the business. 62 V. (2), c. 31, s. 13.

Cases of
commission
of inquiry.

(2) If the inquiry is occasioned by the failure of the brewer or distiller to furnish the information required by the Minister, the brewer or distiller shall pay the costs of the inquiry, but if the statement is found to be correct and the commissioner or commissioners find that the required information was duly furnished, the cost of the inquiry shall be borne by the Province.

Additional sum
to be paid
when amount
understated.

(3) If the commissioner or commissioners find that the statement filed has understated the amount invested in the business, the brewer or distiller in addition to paying the costs of the inquiry shall pay for his license the sum chargeable on the basis of the amount invested in the business as reported by the commissioner or commissioners, and fifty per cent. added to such sum. 62 V. (2), c. 31, s. 14.

License may
be pending
inquiry.

(4) If in any case the Minister is unwilling to accept the statement filed as correct, and contemplates the issue of a commission of inquiry, or if such a commission is issued and the commissioner or commissioners have not reported, the Minister may notify the applicant for a license that the license will be issued to him upon the basis of the statement filed, but that the right to make inquiry is reserved; and in such case, notwithstanding the issue of the license, the inquiry may be proceeded with in the same manner and with the like effect as if the license had not been issued.

License to be
void on non-
payment of
amount found
due by com-
missioner.

(5) If in any such case the commissioner or commissioners find that the statement filed has understated the amount invested in the business then, unless the licensee, within ten days of his being notified of the said finding, pays to the Treasurer of Ontario, such an amount as with the amount previously paid by him for license fees will make up the sum of money which would be payable for a license on the basis of the amount invested in the business as reported by the commissioner or commissioners and fifty per cent. added to such sum the said license so issued shall become and be *ipso facto* void. 62 V. (2), c. 31, s. 15.

Remission of
fees. At
test, if, where
understatement
was made in
good faith.

(6) If the commissioner or commissioners find that the statement so filed understates the amount on which the fee should be paid, but also certify that the understatement was not made with the intent and for the purpose of evading the payment of the proper amount but was made in good faith and with no improper motive, the Lieutenant-Governor in Council may upon the recommendation of the Minister direct the remission of so much of the added percentage and of so much of the costs as to him in his discretion may seem meet. 62 V. (2), c. 31, s. 16.

(7) The costs of the commission shall be ascertained by the Minister who, where the same are payable to the Crown, may by warrant under his hand and seal direct the sheriff of the county or the bailiff of any division court in the county to levy the same with costs by distress upon any goods or chattels, wherever found, of the brewer or distiller, or upon any goods or chattels in or upon the brewery or distillery premises or on lands used in connection therewith. 62 V. (2), c. 31, s. 17.

Costs, enforcing payment of.

166.—(1) If a brewer or a distiller sells, barter, or otherwise disposes of any liquor without having a Brewer's or Distiller's Provincial License, as the case may be, he shall for each such sale forfeit to His Majesty double the amount he would have been required to pay for such a license, to be recovered with costs in an action at the suit of the Crown, to be tried by a judge without a jury. 62 V. (2), c. 31, ss. 19, 20.

Penalty for selling without license.

(2) In any action brought under this section it shall be presumed that the defendant would have been required to pay the maximum license fee applicable to his business unless he proves to the satisfaction of the judge who tries the case the amount actually invested in his business. 62 V. (2), c. 31, s. 21 (1).

Onus on defendant of proving amount invested.

(3) The penalties imposed by this section shall be recovered only at the instance or under the authority or by the consent of the Attorney-General of Ontario. 62 V. (2), c. 31, s. 23.

Actions to recover penalties.

(4) In any such action the Attorney-General of Ontario shall have the same right either before or after the trial to require the production of documents, to examine parties or witnesses, or to take such other proceedings in aid of the action as a plaintiff has or may take in an ordinary action. 62 V. (2), c. 31, s. 21 (2).

Production of documents and examination of witnesses.

167.—(1) If the amount for which action is brought under section 166 is paid or levied the Minister may direct the issue of a license to the defendant without the payment of any other license fee, but no such license shall be issued if the license year has expired.

Penalties may be applied on license fees.

(2) The issue of such license shall not affect any prosecution or other proceeding then pending, and nothing in section 166 shall relieve any brewer or distiller from any penalty or punishment which may be imposed summarily under Part I, nor shall the imposition of any such penalty or punishment relieve any brewer or distiller from liability under the provisions of this Part. 62 V. (2), c. 31, ss. 22, 24.

Act not to relieve against penalties under Part I.

Wholesale Licenses.

168.—(1) Wholesale licenses may be issued at any time during the year, by the Minister, upon a written requisition

Wholesale licenses.

therefor signed by the applicant, and after payment to the Treasurer of Ontario for the uses of the Province of the proper fee; and every such license shall be issued in such form as the Lieutenant-Governor in Council may direct, and may be transferred or otherwise dealt with as may be provided by regulations of the Lieutenant-Governor in Council. 6 Edw. VII. c. 47, s. 32.

What authorized by such licenses.

(2) A wholesale license shall be for selling liquor, by wholesale only, in the warehouse, store, shop, or place of the applicant, to be designated in such license. R.S.O. 1897, c. 245, s. 34 (2).

Non-resident applicant for wholesale license.

(3) In case the applicant for a wholesale license is not a resident of Ontario and has no permanent place of business in Ontario, it shall not be necessary to designate the premises in which the business is to be carried on. 10 Edw. VII. c. 94, s. 3.

Fee.

(4) The fee for a wholesale license shall be \$500. 10 Edw. VII. c. 94, s. 6.

Payment of fee in instalments.

(5) The fee may be paid in two equal instalments, one on the 1st day of May and the other on or before the 31st day of October following, and upon payment of the first instalment the Minister may issue a permit to which the provisions of subsection 6 of section 13 shall *mutatis mutandis* apply. See 62 V. (2), c. 31, s. 28, *part*; and 1 Edw. VII. c. 12, s. 26.

(6) A wholesale license may be granted to an incorporated company, and for that purpose, section 19 shall *mutatis mutandis* apply. *New*.

169. The Minister may in any case refuse to issue a wholesale license if he deems such refusal expedient in the public interest. 1 Geo. V. c. 64, s. 13, *part*.

Regulations as to issue of wholesale licenses.

170. A wholesale license shall be granted only to a person who carries on the business of selling by wholesale or in unbroken packages, and shall be and become void in case the holder thereof, at any time during the currency of the said license, directly or indirectly, or by or with any partner, clerk, agent or other person, carries on, upon the premises to which such license applies, the business of a retail dealer in any other goods, wares or merchandise. R.S.O. 1897, c. 245, s. 35.

Liquor not to be consumed on premises of persons having license by wholesale.

171. No person holding a license to sell by wholesale, shall allow any liquor sold by him or in his possession for sale, and for the sale or disposal of which such license is required, to be consumed within his warehouse or shop, or within any building which forms part of or is appurtenant to, or which communicates by any entrance with any warehouse, shop or other premises wherein any article to be sold or disposed of

under such license is sold by retail or wherein there are kept any broken packages of such articles. R.S.O. 1897, c. 245, s. 63.

172. Subject to any regulations or restrictions which the Lieutenant-Governor in Council may impose, manufacturers of native wines, from grapes grown and produced in Ontario, shall be exempt from the payment of any license fee under this Act, if such wines are sold upon the premises in which they are manufactured and by wholesale quantities as defined by this Part, such wines to be wholly removed and not drunk upon the premises. R.S.O. 1897, c. 245, s. 36; 1 Geo. V. c. 64, s. 11. *Amended.*

Sample and Commission Licenses.

173.—(1) No person shall act in Ontario as the agent or employee of any person not a resident of Ontario for the purpose of selling liquor by sample or on commission or otherwise in Ontario or for soliciting or receiving orders for delivery of liquor to any person, whether licensed or unlicensed, unless the person so acting has taken out and is the holder of a "Sample and Commission License," but nothing in this subsection shall apply to the holder of a wholesale license under this Part.

(2) Every person contravening the provisions of subsection 1 shall incur the penalties provided by Part 1 for the sale of liquor without the license required by law.

(3) A sample and commission license shall authorize the holder thereof to sell liquor not the property of such license holder by sample or on commission and to solicit and receive orders for such liquor from persons who are the holders of licenses under Part 1 in the quantities authorized by a wholesale license whether such liquor is in Ontario or is held in bond or otherwise elsewhere.

(4) The annual fee to be paid for a sample or commission license shall be \$300 and shall be payable to the Treasurer on or before the first day of May in each year.

(5) Sample and commission licenses shall be issued annually by the Minister on the 1st day of May, upon the production of the receipt of the Treasurer of Ontario for the amount of the license fee. 9 Edw. VII. c. 82, s. 44.

PART III.

SALE OF LIQUOR BY DRUGGISTS, AND SALE OF PATENT AND OTHER
MEDICINES, AND OF ALCOHOL FOR THE PURPOSES OF THE
ARTS AND MANUFACTURES.

Interpretation. 174. In this Part,

- "Alcohol." (a) "Alcohol" shall mean "ethylic" or absolute alcohol; 1 Geo. V. c. 65, s. 1;
- "Manufacturer." (b) "Manufacturer" shall mean a manufacturer for sale by wholesale; 61 V. c. 30, s. 1, *part*.
- "Original and unbroken package." (c) "Original and Unbroken Package" shall mean the package in which the patent or proprietary medicine is put up by the manufacturer; 61 V. c. 30, s. 1, *part*; and
- "Wholesale druggist." (d) "Wholesale Druggist" shall mean a person, firm or company engaged in supplying druggists with drugs, patent or proprietary medicines, compounds, preparations or other articles and commodities usually kept and dealt in by druggists. 1 Geo. V. c. 65, s. 1, *part*.

Sale of liquor
by druggists.
Rev. Stat.
c. 164.

175.—(1) Nothing in Part I. shall prevent a druggist from keeping liquor for sale for strictly medicinal purposes, or from selling liquor for strictly medicinal purposes in packages of not more than six ounces at any one time, or from selling for strictly medicinal purposes any mixture containing liquors mixed with any other drug or medicine in packages of not more than one pint at any one time, but in either case only under a *bona fide* prescription of such liquor or mixture duly signed by a legally qualified medical practitioner. R.S.O. 1897, c. 245, s. 52 (1).

Record of
sales.

(2) Every druggist shall record in a book to be kept for that purpose every sale or other disposal by him of liquor sold under and forming an ingredient in such prescription; and such record shall show as to every such sale or disposal, the time when, and the person to whom the same was made, the quantity sold and the prescription, when one is required, of such medical practitioner; and in default of such sale or disposal being so placed on record, every such sale shall be held to be in contravention of the provisions of sections 48 and 49. R.S.O. 1897, c. 245, s. 52 (2); 61 V. c. 30, s. 6.

Book open to
be inspected by
the License Commissioners,
Inspector, Provincial Inspector,
or any other person appointed by the Minister, and producing

(3) Such book shall be kept open to the inspection of the License Commissioners, Inspector, Provincial Inspector, or any other person appointed by the Minister, and producing

his written authority in that behalf, and may be in the following form:

Date	Name.	Residence.	Kind and quantity.	Purpose or use.	Price.	Name of medical practitioner.

(4) In a township a druggist who is also a legally qualified medical practitioner may himself give the certificate provided for in this section, and may also give such certificate in any village or police village where there is no other legally qualified medical practitioner resident and practising therein, but not otherwise. R.S.O. 1897, c. 245, s. 52 (3), (5).

When druggist may himself give medical certificate.

(5) Any druggist who sells or otherwise disposes of any liquor to be consumed within his shop, or within the building of which such shop forms part or which communicates by any entrance therewith, either by the purchaser or by any other person not usually resident therein, as a beverage, or with soda water, seltzer, apollinaris, ginger ale, ginger beer, sarsaparilla, or any aerated, mineral or effervescent drink, shall incur the penalties imposed by section 65. R.S.O. 1897, c. 245, s. 52 (7), and s. 62, *part*.

Selling liquor with other beverages.

(6) Nothing in this section shall restrict the sale of methylated alcohol or oil of whiskey, or other medicines for cattle or horses. R.S.O. 1897, c. 245, s. 52 (4).

Exceptions.

176. Nothing in Part I. shall apply to or prevent the sale by a druggist of any drug or medicine for strictly medicinal purposes, notwithstanding the mixture with such drug or medicine of alcohol as one of the necessary and *bona fide* ingredients thereof, if the quantity of alcohol so sold at any one time does not exceed six ounces. 61 V. c. 30, s. 4.

Drugs mixed with alcohol.

177. Nothing in Part I. shall prevent a druggist from selling, without the certificate of a legally qualified medical practitioner, liquor in quantities of not more than six ounces at any one time when the same is required owing to a serious injury or to the fainting of a person who may be brought or shall come into the premises of the druggist or into contiguous premises, or in or upon premises adjacent to them, and the same is urgently required for the relief of such person. 61 V. c. 30, s. 5.

Sale of liquor by druggists in case of accidents, etc.

178. Nothing in Part I. shall prevent the sale by a druggist or a merchant or company dealing in drugs and medicines, or a merchant or company dealing in patent or

Patent or proprietary medicines.

proprietary medicines of any such medicine in the original and unbroken package, if such medicine contains only sufficient alcohol to hold the medicinal constituents thereof in solution or to prevent fermentation. 61 V. c. 30, s. 2.

Certain
tinctures,
medicines,
perfumes, etc.

179.—(1) Nothing in Part I. shall prevent the sale

(a) by a druggist, or by the manufacturer, of

(i) any tincture, fluid extract, essence or medicated spirit containing alcohol prepared according to the formula of the British Pharmacopœia or other recognized standard work on pharmacy, or

(ii) medicine or other similar officinal compound or preparation, or

(iii) a perfume, or,

(iv) for purely medicinal purposes, any mixture so prepared containing alcohol and other drugs or medicine; nor,

(b) by a merchant who deals in drugs and medicines, of such compounds, mixtures and preparations as are in this subsection hereinbefore mentioned and are so made or put up by a druggist or manufacturer,

by reason only that the same contain alcohol; nor

(c) by a druggist, of alcohol in quantities of not more than one gallon at any one time for use in the arts or manufactures. 61 Vict. c. 30, s. 3.

Printing of
labels for
bottles of
liquor, &c.

(2) If any such compound, mixture or preparation contains more than two and one-half per cent. of alcohol and is not prepared according to the formula of the British Pharmacopœia or other recognized standard work as hereinbefore mentioned the same shall not be sold or offered for sale in Ontario, unless the formula in accordance with which it is prepared is either printed plainly upon a label or wrapper affixed to the bottle or package in which such compound, mixture or preparation is contained or a copy of such formula, verified by affidavit in the form prescribed by the Provincial Secretary has been deposited in the office of the Provincial Secretary.

Penalty.

(3) Any neglect or omission to comply with the requirements of subsection 2 shall be an offence against Part I.; and the sale of any such compound, mixture or preparation during the continuance of such neglect or omission shall be conclusively deemed a colourable device for the evasion of Part I. within the meaning of section 180 and may be dealt with accordingly.

(4) If any such compound, mixture or preparation pur-^{Application of s. 180.}porting to be prepared in accordance with any formula appearing upon the label or wrapper affixed to any bottle or package or so filed in the office of the Provincial Secretary is found to contain a larger amount of alcohol than is required to hold the medicinal constituents thereof in solution or to prevent fermentation, or to contain a larger percentage of alcohol than is set out in such formula, the person selling the same shall be conclusively deemed to be guilty of a colourable device for the evasion of Part I. within the meaning of section 180. 1 Geo. V. c. 65, s. 2.

(5) If a druggist is charged with a contravention of any of the provisions of subsection 2 but proves that he sold the compound, mixture or preparation in question in the same state as when he purchased it and that he could not with reasonable diligence have obtained knowledge of the fact that the provisions of that subsection had not been complied with he shall not be found guilty; but the magistrate hearing the case may order that such compound, mixture or preparation found in the possession of such person be forfeited to the Crown; and the Minister may make such disposition of it as he may think fit. 1 Geo. V. c. 65, s. 3.

^{How druggist may exculpate himself.}
^{Forfeiture of the article.}

180.—(1) Where the magistrate before whom a com-^{Colourable sales.}plaint is heard finds that any patent or proprietary medicine mentioned or referred to in section 178 or any other medicine, preparation or mixture mentioned or referred to in sections 176, 177 or 179, has been put up, manufactured or sold as a colourable device for the evasion of the provisions of Part I., the offender shall incur the penalties imposed by Part I. as in the case of sale of liquor without the license required by law.

(2) It shall not be necessary in the information, summons, warrant, conviction, distress warrant, commitment or other process or proceeding, except the finding or judgment, to set out that such patent or other medicine, preparation or mixture was put up, manufactured or sold as a colourable device for the evasion of Part I., but it shall be sufficient if the complaint and all other necessary statements of the offence allege or refer to the sale of liquor without the license required by law. 61. V. c. 30, s. 7.

^{Charging the offence.}

181.—(1) A druggist or other person who keeps patent or proprietary medicines for sale shall, upon request made in writing, signed by an officer of the License Branch, to be named for that purpose by the Minister, permit an Inspector, or such other person as shall be named therein, to take away a sample sufficient for the purpose of analysis of any patent or proprietary medicine kept by him for sale.

^{Analysis of patent medicines kept by druggists.}

Penalty.

(2) Any person who refuses to comply with such request shall incur a penalty of not less than \$10 nor more than \$40. 61 V. c. 30, s. 8.

Druggist, keeping liquor on premises for domestic use.

182.—(1) Any druggist may keep or have upon his premises, for his own domestic use, a reasonable quantity of beer, ale, porter, or lager beer, and may keep or have upon his premises or elsewhere for use in his business "ethylic" or absolute alcohol, and may keep or have upon his premises or elsewhere for domestic use or for use in his business any other kind of liquor to the extent of ten gallons, but not more.

Evidence of guilt.

(2) Except as permitted by subsection 1 no druggist shall, without the license required by law keep or have upon his premises or elsewhere any liquor whatever, and the keeping or having upon his premises or elsewhere by a druggist, without such license of any liquor save as aforesaid shall be conclusive evidence that the same was kept by him for sale in contravention of this Act, and such liquor may in such case be seized and dealt with in all respects as liquor unlawfully kept for sale on licensed premises; and in the case of "ethylic" or absolute alcohol kept by such druggist upon his premises or elsewhere, if a magistrate having jurisdiction finds that the quantity kept was larger than was reasonably required, having regard to the circumstances of the case, such druggist may be found guilty of keeping liquor for sale in contravention of this Act. 1 Geo. V. c. 65, s. 4, *part*.

Penalty for sale by druggist without license.

183. Any druggist who keeps for sale or who sells or barter any liquor without the license required by law except when authorized to do so by this or any other Act shall for the first offence on conviction thereof incur the penalties imposed by section 65 for selling, and for a second or any subsequent offence shall on conviction thereof incur the penalty imposed by section 65 as for a second offence for selling; and in addition thereto his certificate authorizing him to carry on the business of a "chemist and druggist" in Ontario shall *ipso facto* be void and be of no force or effect whatever for a period of two years from the date of his conviction, a copy of which shall forthwith be sent to the Registrar of the Ontario College of Pharmacy, or until the Council of such College shall see fit in its discretion, after the expiration of such period of two years to reinstate such druggist, who shall not in the meantime be eligible as a member, director or shareholder of any incorporated company dealing in drugs or medicine in Ontario. 1 Geo. V. c. 65, s. 4, *part*.

Sworn statement as to amount of liquor sold.

184.—(1) Every druggist shall within seven days after demand by the Minister supply the Minister with a written statement verified by affidavit of the amount and kind of liquor

purchased by him during the period specified in such demand, the dates when and the persons from whom such liquor was purchased.

(2) Any person who makes default in supplying such state-^{Penalty.}ment shall incur a penalty of \$20 for each day during which such default continues. 1 Geo. V. c. 65, s. 4, *part*.

185. A wholesale druggist may, notwithstanding any-^{Sales by}thing in Part I., sell to a druggist "ethylic" or absolute^{wholesale} alcohol for use in his business as such druggist; but this provision shall only apply to wholesale druggists who have filed with the License Branch at Toronto a certificate, which shall be annually renewed not later than the first day of May in each year, signed by the Registrar of the Ontario College of Pharmacy, that the holder of such certificate is a wholesale druggist within the meaning of this Part. 1 Geo. V. c. 65, s. 4, *part*.

186. Nothing in this Part shall affect *The Pharmacy Act*.^{Rev. Stat.}
See 61 Vict. c. 30, ss. 9, 10. ^{c. 164.}

FORM 1.

(Section 12.)

CERTIFICATE.

To the Board of License Commissioners of the License District of

We, the undersigned electors of polling subdivision number _____ of the _____, wherein are situate the premises in respect of which X.Y. is applying for a _____ license for the ensuing license year, do hereby certify that X.Y., the applicant for the said license, is a fit and proper person to be licensed to sell liquors and to keep a _____, and that the premises in which the said X.Y. proposes to carry on the business for which he seeks a license are, in our opinion, suitable therefor, and that the same are situate in a place where the carrying on of the said business will not be an annoyance to the public generally.

And we have hereto appended our names and the distances, approximately, at which we respectively reside, or own property, from the said premises for which the license is sought.

Signatures,	{	<i>Distance of premises respectively from premises sought to be licensed.</i>
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R.S.O. 1897, c. 245, Sched. A.

FORM 2.

(Section 13.)

FORM OF BOND BY APPLICANT FOR A TAVERN LICENSE.

Know all men by these presents, that we, *T.U.*, of *V.W.*, of , and *X.Y.*, of , are held and firmly bound unto His Majesty King George the Fifth, His Heirs and Successors, in the penal sum of \$400 of good and lawful money of Canada-- that is to say, the said *T.U.* in the sum of \$200, the said *V.W.* in the sum of \$100, and the said *X.Y.* in the sum of \$100 of like good and lawful money, for payment of which well and truly to be made, we bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Whereas the above bounden *T.U.* is about to obtain a license to keep a tavern or house of entertainment in the of , the condition of this obligation is such, that if the said *T.U.* pays all fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of law, now or hereafter to be in force, relative to any tavern or house of public entertainment, and does, performs and observes all the requirements thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf, then this obligation shall be null and void, otherwise to remain in full force, virtue and effect.

In witness whereof we have signed these presents with our hands, and sealed them with our seals, this day of A.D. 19

Signed, sealed and delivered
in the presence of us

}

X. Y. [L. S.]
T. U. [L. S.]
V. W. [L. S.]

R.S.O. 1897, c. 245, Sched. B.

FORM 3.

(Section 13.)

FORM OF BOND BY APPLICANT FOR A SHOP LICENSE.

Know all men by these presents, that we, *T.U.*, of *V.W.*, of , and *X.Y.*, of , are held and firmly bound unto His Majesty King George the Fifth, His Heirs and Successors, in the penal sum of \$400 of good and lawful money of Canada-- that is to say, the said *T.U.* in the sum of \$200, the said *V.W.* in the sum of \$100, and the said *X.Y.* in the sum of \$100, of like good and lawful money, for payment of which well and truly to be made, we bind ourselves and each of us, our heirs, executors and administrators, firmly by these presents.

Whereas the above bounden *T.U.* is about to obtain a license to keep a shop wherein liquor may be sold by retail in the of ; the condition of this obligation is such, that if the said *T.U.* pays all fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of the law, now or hereafter to be in force, relative to any shop wherein liquor may be sold by retail, and does, performs and observes all the requirements thereof, and conforms to all rules and regulations that are or may be established by competent authority in such behalf, then this obligation shall

be null and void, otherwise to remain in full force, virtue and effect.

In witness whereof we have signed these presents with our hands and sealed them with our seals, this day of

Signed, sealed and delivered }
in the presence of us. }

X. Y. [L. S.]

T. U. [L. S.]

V. W. [L. S.]

R.S.O. 1897, c. 245, Sched. C.

FORM 4.

(Section 21.)

PROVISIONAL CONSENT TO TRANSFER OF LICENSE BY THE INSPECTOR
PENDING THE DECISION OF THE BOARD OF COMMISSIONERS.

In pursuance of section 21 of *The Liquor License Act*, I hereby consent that the Licensee named in the annexed license, his assigns or legal representatives, may provisionally transfer the hereunto annexed license, and all his and their interests therein to

to be held by him subject to all the provisions of the said Act; the written consent to such transfer by the Board of License Commissioners, to be hereafter obtained within the time prescribed by law.

Dated this day of A.D. 19 .

Inspector.

N.B.—This provisional consent shall remain in force for days from the date hereof, and no longer.

Countersigned.

Commissioner.

R.S.O. 1897, c. 245, Sched. D.

FORM 5.

(Sections 84 and 91.)

GENERAL FORM OF INFORMATION.

ONTARIO. } THE INFORMATION of A.B., of the township of
County of York, } York, in the County of York, License In-
To Wit: } spector, laid before me, C.D., Police Magis-
trate, in and for the City of Toronto, [or one of His Majesty's
Justices of the Peace, in and for the County of York], the
day of A.D. 19 .

The said informant says, he is informed and believes that X.Y.
on the day of A.D. 19 , at the Township
of York, in the County of York, unlawfully did sell liquor without
the license therefor by law required [or as the case may be—See
forms in Schedule F.]

Laid and signed before me the }
day and year, and at the }
place first above mentioned. }

C.D.

P.M. or J.P.

A.B.

R.S.O. 1897, c. 245, Sched. E.

FORM 6.

(Section 91.)

FORMS FOR DESCRIBING OFFENCES.

1. *Neglecting to keep license exposed.* (Section 46.)

"That X.Y. having a license by wholesale [or a shop or a tavern license] on _____ at _____ unlawfully and wilfully (or negligently) omitted to expose the said license in his warehouse [or shop, or in the bar-room of his tavern, as the case may be.]

2. *Neglecting to exhibit notice of license.* (Section 47.)

"That X.Y. being the keeper of a tavern [or inn or house or place of public entertainment] in respect of which a tavern license has duly issued and is in force, on _____ at _____ unlawfully did not exhibit over the door of such tavern, [or inn, etc.,] in large letters, the words, "Licensed to sell wine, beer, and other spirituous or fermented liquors," or "Licensed to sell beer and wine," as required by *The Liquor License Act*."

3. *Sale without license.* (Section 48.)

"That X.Y., on the _____ day of _____ A.D. 19____, at _____ in the County of _____ unlawfully did sell liquor without the license therefor by law required."

4. *Keeping liquor without license.* (Section 49.)

"That X.Y., on _____ at _____ unlawfully did keep liquor for the purpose of sale, barter and traffic therein, without the license therefor by law required."

5. *Sale of liquor on licensed premises during prohibited hours.* (Sections 50 and 51.)

"That X.Y. on _____ at _____ in his premises [or on, or out of, or from, his premises] being a place where liquor may be sold, unlawfully did sell [or dispose of] liquor during the time prohibited by *The Liquor License Act*, for the sale of the same.

6. *Allowing liquor to be drunk on licensed premises during prohibited hours.* (Sections 50, 51 and 66.)

"That X.Y. on _____ at _____ in his premises, being a place where liquor may be [or is] sold, by retail [or wholesale] unlawfully did allow [or permit] liquor to be drunk in such place during the time prohibited by *The Liquor License Act* for the sale of the same.

7. *Sale of less than lawful quantity.* (Section 2.)

"That X.Y., having a shop license on _____ at _____ unlawfully did sell liquor in a less quantity than allowed by law."

8. *Sale under wholesale license in less than wholesale quantities.* (Section 152 (c).)

"That X.Y., having a license to sell by wholesale on _____ at _____, unlawfully did sell liquor in a less quantity than allowed by law.

9. *Sale (or keeping for sale) under beer and wine license of liquor other than authorized by the license.* (Section 35.)

"That X.Y., being the holder of a Beer and Wine License on _____ at _____ did unlawfully sell [or give, or keep for sale] other liquor than is authorized by his license, in the house and upon the premises for which such license has been granted."

10. *Allowing liquor to be consumed in a shop.* (Section 58.)

"That X.Y., having a shop license on _____ at _____, unlawfully did allow liquor to be consumed within his shop [or within the building of which his shop forms a part, or within a building which communicates by an entrance with his shop].

11. *Allowing liquor to be consumed on premises under wholesale license.* (Section 171.)

"That X.Y., having a license by wholesale on _____ at _____, unlawfully did allow liquor to be consumed within his warehouse [or shop, or within a building which forms part of, (or is appurtenant to or which communicates by an entrance with a warehouse or shop, or premises) wherein an article to be sold (or disposed of) under such license, is sold by retail (or wherein there is kept a broken package of an article for sale under such license)]"

12. *Illegal sale by druggists.* (Section 175.)

"That X.Y. being a druggist on _____ at _____, did unlawfully sell liquor for other than strictly medicinal purposes [or sell liquor in packages of more than six ounces at one time without a certificate from any legally qualified medical practitioner, or sell liquor without recording the same], as required by *The Liquor License Act*.

13. *Keeping a disorderly house.* (Section 75.)

"That X.Y., being the keeper of a tavern [or ale-house, or beer-house, or house of public entertainment], situate in the City [or Town, or Village, or Township] of _____ in the County of _____ on _____ in his said tavern [or house] unlawfully did sanction [or allow] gambling, [or riotous, or disorderly conduct] in his said tavern [or house].

14. *Harbouring constables on duty.* (Section 76.)

"That X.Y., being licensed to sell liquor at _____, on _____, unlawfully and knowingly did harbour [or entertain or suffer to abide and remain on his premises] O.P., a constable belonging to a police force.

15. *Compromising or compounding a prosecution.* (Section 77.)

"That X.Y., having violated a provision of *The Liquor License Act*, on _____ at _____, unlawfully did compromise [or compound, or settle, or offer, or attempt to compromise, compound, or settle], the offence with A.B., with the view of preventing any complaint being made in respect thereof [or with the view of getting rid of, or of stopping, or of having the complaint made in respect thereof dismissed, as the case may be]."

16. *Being concerned in compromising a prosecution.* (Section 77.)

"That X.Y., on _____, at _____, unlawfully was concerned in [or a party to] a compromise [or a composition, or a settlement] of an offence committed by O.P., against a provision of *The Liquor License Act*."

17. *Tampering with a witness.* (Section 78.)

"That X.Y., on a certain prosecution under *The Liquor License Act*, on _____, at _____, unlawfully did tamper with O.P., a witness in such prosecution, before [or after] he was summoned [or appeared] as such witness on a trial [or proceeding] under the said Act, [or unlawfully did induce, or attempt to induce O.P., a witness in such prosecution, to absent himself, or to swear falsely]."

18. *Refusing to admit policeman.* (Section 130.)

"That X.Y., on the _____, at _____, being in (or having charge of) the premises of O.P., being a place where liquor is sold [or reputed to be sold unlawfully] did refuse [or fail] to admit [or did obstruct or attempt to obstruct] E.F., an officer demanding to enter in the execution of his duty [or did obstruct or attempt to obstruct E.F., an officer making searches in said premises, and in the premises connected with such place]."

19. *Officer refusing to prosecute.* (Sections 129 and 136.)

"That X.Y., being a police officer [or constable, or Inspector of Licenses] in and for the _____, in the County _____,

knowing that *O.P.* had on _____ at _____ committed an offence against the provisions of *The Liquor License Act*, unlawfully and wilfully did, and still does, neglect to prosecute the said *O.P.* for his said offence."

R.S.O. 1897, c. 245, Sched. F.

FORM 7.

(Section 91.)

FORM OF INFORMATION FOR SECOND, THIRD OR FOURTH OFFENCE.

ONTARIO, } THE INFORMATION of *A.B.*, of, etc., License In-
County of York, } spector, laid before me, *C.D.*, Police Magis-
To Wit: } trate in and for the _____ of _____
[or one of His Majesty's Justices of the Peace in and for the County
of _____], the _____ day of _____ A.D. 19____.

The said Informant says he is informed and believes that *X.Y.*,
on _____, at _____, [describe last offence].

And further that the said *X.Y.* was previously, to wit: on the
_____ day of _____ A.D. 19____, at the _____ of _____
before *C.D.*, Police Magistrate in and for the _____ of _____ [or
at the _____ of _____, in the County of _____, before *E.F.* and
G.H., two of His Majesty's Justices of the Peace for the County
of _____], duly convicted of having, on the _____ day of _____,
19____, at the _____ of _____, in the County of _____, unlawfully
sold liquor without the license therefor required by law [or as the
case may be].

And further, that the said *X.Y.* was previously, to wit: on the
_____ day of _____, A.D. 19____, at the _____ of _____
in the County of _____, before, etc. [as in preceding
paragraph], again duly convicted of having, on the _____ day of _____,
A.D. 19____, at the _____ of _____, in the
County of _____, having a shop license, unlawfully allowed liquor
to be consumed within a building which communicates by an en-
trance with his shop.

And further, that the said *X.Y.* was previously, to wit: on the
_____ day of _____, A.D. _____, at the _____ town of _____,
in the County of _____, before, etc. (see above), again duly
convicted of having, on the _____ day of _____, A.D. _____,
at the _____ of _____, in the County of _____ (being in
charge of the premises of *O.P.*, a place where liquor was reputed to
be sold), unlawfully failed to admit *E.F.*, an officer demanding to
enter in the execution of his duty.

And the informant says the offence hereinbefore firstly charged
against the said *X.Y.* is his fourth offence against *The Liquor
License Act*.

Laid and signed before me the day
_____ and year, and at the place first
above mentioned.

C.D.,
J.P.

A.B.

R.S.O. 1897, c. 245, Sched. G.

FORM 8.

(Section 91.)

SUMMONS TO WITNESS.

ONTARIO, }
 County of York, } To J.K., of the City of Toronto, in the County
 To Wit: } of York.

Whereas, information has been laid before me, C.D., one of His Majesty's Justices of the Peace in and for the of (or Police Magistrate for the of of), that X.Y. being a druggist, on the day of , 19 , at the Township of , in the County of , unlawfully did sell liquor for other than strictly medicinal purposes, and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecutor in this behalf.

These are to require you, under pain of imprisonment in the Common Gaol, personally to be and appear on Tuesday, the day of , A.D. 19 , at ten o'clock in the forenoon, at the of , before me or such Justice or Justices of the Peace as may then be there, to testify what you shall know in the premises [and also to bring with you and there and then produce all and every invoices, cash books, day books, or ledgers and receipts, promissory notes, or other security relating to the purchase or sale of liquor by the said X.Y., and all other books and paper, accounts, deeds, and other documents in your possession, custody or control, relating to any matter connected with the said prosecution].

Given under my hand and seal this day of ,
 A.D. 19 , at the of , in the County of
 C.D.,
 J.P. (L.S.)

R.S.O. 1897, c. 245, Sched. H.

FORM 9.

(Section 91.)

FORM OF CONVICTION FOR FIRST OFFENCE.

ONTARIO, }
 County of York, } BE IT REMEMBERED that on the day
 To Wit: } of A.D. 19 , at the of
 was convicted before me, C.D., Police Magistrate in and for the
 of (or before us, E.F. and G.H., two of His Majesty's
 Justices of the Peace in and for the said County), for that he, the
 said X.Y., on the day of , A.D. 19 , at the
 of , in the said County, in his premises, being a
 place where liquor may be sold, unlawfully did sell liquor during
 the time prohibited by *The Liquor License Act* for the sale of the
 same, without any requisition for medicinal purposes, as required
 by said Act, being produced by the vendee or his agent (or as the
 case may be). A.B. being the informant, and I (or we) adjudge
 the said X.Y., for his said offence, to forfeit and pay the sum of
 \$, to be paid and applied according to law, and also to pay to
 the said A.B. the sum of \$ for his costs in this behalf, and if
 the said several sums be not paid forthwith, then [I or we] order
 the said sums to be levied by distress and sale of the goods and
 chattels of the said X.Y., and in default of sufficient distress in
 that behalf [or if distress is not ordered omit the foregoing words
 and proceed] I (or we) adjudge the said X.Y. to be imprisoned in

the Common Gaol for the County of _____, at _____ in the said County, and there to be kept for the space of *fifteen* days, unless the said sums and the costs and charges of conveying the said X.Y. to the said Common Gaol shall be sooner paid.

Given under my hand and seal [*or our hands and seals*] the day and year first above mentioned, at the _____ of _____, in the County aforesaid.

C.D., (L.S.)

Police Magistrate.

or E.F., (L.S.)

J.P.

G.H., (L.S.)

J.P.

R.S.O. 1897, c. 245, Sched. I.

FORM 10.

(Section 88.)

FORM OF CONVICTION FOR A THIRD OFFENCE.

ONTARIO, } BE IT REMEMBERED that on the _____ day
County of York, } of _____, A.D. 19 _____, in the _____ of
To Wit: } _____, in the said County, X.Y. is con-
victed before the undersigned C.D., Police Magistrate in and for
the _____ of _____, in the said County [*or C. D. and E.F.*], two
of His Majesty's Justices of the Peace in and for the said County],
for that he, the said X.Y., on the _____ day of
A.D. 19 _____, at the _____ of _____ [*or* _____ of _____], in
said County (*as the case may be*), having violated a provision of
The Liquor License Act, unlawfully did attempt to settle the offence
with A.B., with the view of having the complaint made in respect
thereof dismissed. And it appearing to me [*or us*] that the said
X.Y. was previously, to wit: on the _____ day of
A.D. 19 _____, at the City of Toronto, before, etc., duly convicted of
having, on the _____ day of _____, A.D. 19 _____, at the
_____ of _____, unlawfully sold liquor without a license there-
for by law required. And it also appearing to me [*or us*] that the
said X.Y. was previously, to wit: on the _____ day of
A.D. 19 _____, at the _____ of _____, before, etc., (*see above*)
again duly convicted of having, on the _____ day of
A.D. 19 _____, at the _____ of _____, being the keeper of a tavern
situate in the said _____ of _____, unlawfully allowed gambling
in his said tavern (*or as the case might be*).

I [*or we*] adjudged the offence of said X.Y., hereinbefore firstly
mentioned to be his third offence against *The Liquor License Act*
(A.B. being the informant), and I [*or we*] adjudged the said X.Y.,
for his said third offence, to be imprisoned in the Common Gaol
of the said _____ of _____, at _____, in the said County
of _____, there to be kept without hard labour [*or with hard*
labour, *as the case may be*] for the space of three calendar months
(*or as the case may be*).

Given under my hand and seal [*or our hands and seals*] the day
and year first above mentioned, at Toronto, in the County of York.

C.D. (L.S.)

or

C.D. (L.S.)

E.F. (L.S.)

R.S.O. 1897, c. 245, Sched. J.

FORM 11.

(Section 91.)

WARRANT OF COMMITMENT FOR FIRST OFFENCE WHERE A PENALTY IS IMPOSED.

ONTARIO, } To ALL or any of the Constables or other Peace
 County of } Officers in the said County of
 To Wit: } and to the Keeper of the Common Gaol,
 of the said County at } in the County of

Whereas X.Y., late of the of in the said County, was on this day convicted before the undersigned, C.D., Police Magistrate in and for the of [or C.D. and E.F.], two of His Majesty's Justices of the Peace in and for the of or County of (as the case may be), for that he, the said X.Y., on , at , unlawfully did sell liquor without the license therefor by law required (state offence as in the conviction), (A.B. being the informant), and it was thereby adjudged that the said X.Y., for his offence, should forfeit and pay the sum of (as in conviction), and should pay to the said A.B. the sum of for his costs in that behalf.

And it was thereby further adjudged that if the said several sums should not be paid forthwith, the said X.Y. should be imprisoned in the Common Gaol of the said County at , in the said County of , there to be kept at hard labour (or as the case may be) for the space of , unless the said several sums and the costs and charges of conveying the said X.Y. to the said Common Gaol should be sooner paid.

And whereas the said X.Y. has not paid the said several sums, or any part thereof, although the time for payment thereof has elapsed.

[If a distress warrant issued and was returned, no goods, or not sufficient goods, say, "And whereas, afterwards on the day of , A.D. 19 , I the said Police Magistrate (or we, the said Justices), issued a warrant to the said Constables or Peace Officers, or any of them, to levy the said several sums of and by distress and sale of the goods and chattels of the said X.Y.;

"And whereas it appears to me (or us) as well, by the return of the said warrant of distress by the Constable who had the execution of the said or otherwise, that the said Constable has made diligent search for the goods and chattels of the said X.Y., but that no sufficient distress whereon to levy the said sums could be found."]

These are, therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said X.Y., and him safely convey to the Common Gaol aforesaid, at , in the County of , and there deliver him to the Keeper thereof, together with this precept.

And I (or we) do hereby command you, the said Keeper of the said Common Gaol, to receive the said X.Y. into your custody in the said Common Gaol, there to imprison him and keep him for the space of (without hard labour or with hard labour, as the case may be) unless the said several sums and all costs and charges of the said distress, amounting to the sum of and of the commitment and conveying of the said X.Y. to the said Common Gaol, amounting to the further sum of , shall

be sooner paid unto you, the said Keeper, and for so doing this shall be your sufficient warrant.

Given under my hand and seal (or our hands and seals) this
day of , at , in the said
County of

C.D. (L.S.)

or

C.D. (L.S.)

E.F. (L.S.)

R.S.O. 1897, c. 245, Sched. K.

FORM 12.

(Section 91.)

WARRANT OF COMMITMENT FOR SECOND (or THIRD) OFFENCE, WHERE PUNISHMENT IS BY IMPRISONMENT ONLY.

Know all men, that I, the undersigned, do hereby command you, the said Constables or other Peace Officers in the said County of , and to the Keeper of the Common Gaol of the said County at , in the County of

Whereas X.Y., late of the of in the said County, was on this day convicted before the undersigned, C.D., etc., (or C.D. and E.F., etc., as in preceding form); for that he, the said X.Y., on at (state offence, with previous convictions, as set forth in the conviction for the second or third offence, or as the case may be, and then proceed thus): "And it was thereby adjudged that the offences of the said X.Y., hereinbefore firstly mentioned, was his second (or third) offence against The Liquor License Act (A.B. being the informant). And it was thereby further adjudged that the said X.Y., for his said second offence, should be imprisoned in the Common Gaol of the said County of , at , in the said County of , and there to be kept without hard labour (or with hard labour, as the case may be) for the space of three calendar months.

These are, therefore, to command you, the said Constables, or any one of you, to take the said X.Y., and him safely convey to the said Common Gaol, at , aforesaid, and there deliver him to the Keeper thereof, with this precept. And I (or we) do hereby command you, the said Keeper of the said Common Gaol to receive the said X.Y. into your custody in the said Common Gaol, there to imprison him and to keep him without hard labour (or with hard labour, as the case may be) for the space of three calendar months.

Given under my hand and seal (or our hands and seals), this
day of , A.D. 19 , at , in the said County
of

C.D. (L.S.)

or

C.D. (L.S.)

E.F. (L.S.)

R.S.O. 1897, c. 245, Sched. L.

FORM 13.

(Section 132.)

FORM OF DECLARATION OF FORFEITURE AND OF ORDER TO DESTROY LIQUOR SEIZED.

If in conviction, after adjudging penalty or imprisonment, as in Form 7, proceed thus:

"And I [or we] declare the said liquor and vessels in which the same is kept, to wit: two barrels containing beer, three jars containing whiskey, two bottles containing gin, four kegs containing lager beer, and five bottles containing native wine [or as the case may be], to be forfeited to His Majesty, and I [or we] do hereby order and direct that T.D., License Inspector of the do forthwith destroy the said liquor and vessels."

Given under my hand and seal the day and year above mentioned, at, etc.

If by separate or subsequent Order:

"COUNTY OF YORK, } We, E.F. and G.H., two of His Majesty's
To Wit: } Justices of the Peace for the County of
[or C.P., Police Magistrate of the of
having on the day of , 19 , at the Township of
in said County, duly convicted X.Y. of having unlawfully kept liquor for sale without license, do hereby declare the said liquor and vessels in which the same is kept, to wit: [describe the same as above], to be forfeited to His Majesty, and we [or I] do hereby order and direct that J.P.W., License Inspector of the do forthwith destroy the said liquor and vessels.

Given under our [or my] hands and seals, this day of , A.D. 19 , at the Township of Scarboro, in the said County.

E.F. (L.S.)
or
G.H. (L.S.)
C.D. (L.S.)

R.S.O. 1897, c. 245, Sched. M.

FORM 14.

(Section 40.)

CANADA.

PROVINCE OF ONTARIO.

This is to certify that , of the , having paid into the License Fund of the statutory duty of two dollars, is hereby authorized to act as a bar tender within the License District of for the current license year of , subject to the provisions of the law in that behalf. This license shall expire on the last day of April next ensuing.

Dated this day of , A.D.,

License Inspector
for the License District of

FORM 15.

(Section 164.)

To be used in the case of a Company.

We, _____, of the _____, of _____, in the County of _____, each (or ourselves) make oath and say:

1. That I, the said _____, am the President (or as the case may be) of the company, licensed by the Government of the Dominion of Canada as a brewer (or distiller, as the case may be), and that I, the said _____, am the Manager (or as the case may be) of the said company.

2. That the said company carries on business as a brewer (or distiller) in the _____ of _____, in the County of _____.

3. That the amount invested in the said business on the _____ day of _____ last was as nearly as I can ascertain, after careful investigation and computation, and to the best of my knowledge, and as I verily believe, \$ _____.

4. That, in ascertaining the said amount so invested in the said business, there has been, and is, included the value of all the lands, buildings and plant used or occupied in the said business of brewer (or distiller) for the purpose of such business as such brewer (or distiller) and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith, and the value of the stock in trade on hand on the day aforesaid, except malt, without the deduction therefrom of the liabilities of the said company.

Sworn before me at the _____, in the County of _____, this _____ day of _____, A.D. 19 _____.

62 V. (2), c. 31, Sched. N., Form No. 1; 63 V. c. 42, s. 2.

FORM 16.

(Section 164.)

To be used in the case of a Partnership.

I, _____, of the _____, of _____, in the County of _____, make oath and say:

1. That I am a member of the partnership firm of _____ licensed by the Government of the Dominion of Canada as brewers (or distillers), and have personal knowledge of the details of the said business and with all facts hereinafter set out.

2. That the said partnership firm is composed of the following members: (Give names of all members of the partnership firm).

3. That the said partnership firm carries on business as brewers (or distillers) in the _____, of _____, in the County of _____.

4. That the amount invested in the said business of the said partnership firm on the _____ of _____ last was as nearly as I can ascertain, after careful investigation and computation and to the best of my knowledge and as I verily believe, \$ _____.

5. That, in ascertaining the said amount so invested in the said business, there has been, and is, included the value of all the lands, buildings and plant used or occupied in the said business of brewer (or distiller), for the purposes of such business as such brewer (or distiller), and the value of the goods, chattels, personal property, and other assets belonging to the business or used in connection therewith, and the value of the stock in trade on hand on the day aforesaid, except malt, without the deduction therefrom of the liabilities of the said partnership firm.

Sworn before me at the
in the County of _____, this
day of _____, A.D. 19 ____.

62 V. (2), c. 31, Sched. N., Form No. 2; 63 V. c. 42, s. 2.

FORM 17.

(Section 164.)

To be used in the case of an Individual.

I, _____, of the
of _____, in the County of _____, make oath
and say:

1. That I am a brewer (or distiller), licensed by the Government of the Dominion of Canada (or as the case may be).

2. That I carry on my business as a brewer (or distiller) in the
of _____ in the County of _____.

3. That the amount invested in my said business on the
day of _____ last was as nearly as I can ascertain after careful
investigation and computation, and to the best of my knowledge
and as I verily believe, \$ _____.

4. That, in ascertaining the said amount so invested in the said business, there has been and is included the value of all the lands, buildings and plant used or occupied in the said business of brewer (or distiller) for the purpose of such business as such brewer (or distiller) and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith, and the value of the stock in trade on hand on the day aforesaid, except malt, without the deduction therefrom of any liabilities of the said business.

Sworn before me at the
in the County of _____, this
day of _____, A.D. 19 ____.

63 V. (2), c. 31, Sched. N., Form No. 3; 63 V. c. 42, s. 2.

6. PUBLIC MORALS.

Chapter 246 of the Revised Statutes of Ontario, 1897, known as "An Act to Prevent the Profanation of the Lord's Day, is omitted from the present Revision.

In Attorney-General for Ontario v. The Hamilton Street Railway Company and others, [1903] A. C. 524.—it was Held that "An Act to prevent the Profanation of the Lord's Day" (Revised Statutes of Ontario, 1897, c. 246) treated as a whole is ultra vires of the Ontario Legislature. The criminal law in its widest sense is reserved by s. 91, sub-s. 27 of the British North America Act, 1867, for the exclusive authority of the Dominion Parliament; and an infraction of the above Act is an offence against criminal law.

Chapter 104 of the Consolidated Statutes for Upper Canada, An Act to Prevent the Profanation of the Lord's Day in Upper Canada, which was embodied in the subsequent revisions, Revised Statutes of Ontario, 1877, chapter 189, Revised Statutes of Ontario, 1887, chapter 203, and Revised Statutes of Ontario, 1897, chap. 246, is as follows:—

Whereas it is expedient to enact a law against the profanation of the Lord's Day, commonly called Sunday, which day ought to be duly observed and kept holy: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It is not lawful for any merchant, tradesman, artificer, mechanic, workman, labourer or other person whatsoever, on the Lord's Day to sell or publicly show forth, or expose, or offer for sale, or to purchase any goods, chattels, or other personal property, or any real estate whatsoever, or to do or exercise any worldly labour, business or work of his ordinary calling (conveying travellers or Her Majesty's mail, by land or by water, selling drugs and medicines and other works of necessity, and works of charity, only excepted). 8 V. c. 45, s. 1.

2. It is not lawful for any person on that day to hold, convene, or to attend any public political meeting, or to tipple, or to allow or permit tipping in any inn, tavern, grocery or house of public entertainment, or to revel, or publicly exhibit himself in a state of intoxication, or to brawl or use profane language in the public streets or open air, so as to create any riot or disturbance, or annoyance to Her Majesty's peaceable subjects.

3. It is not lawful on that day to play at skittles, ball, foot-ball, racket, or any other noisy game, or to gamble with dice or otherwise, or to run races on foot, or on horseback, or in carriages, or in vehicles of any sort. 8 V. c. 45, s. 2.

4. Except in defence of his property, from any wolf or other ravenous beast or a bird of prey, it is not lawful for any person on that day to go out hunting or shooting, or in quest of, or to take, kill or destroy, any deer or other game, or any wild animal.

or any wild fowl or bird, or to use any dog, gun, rifle or other engine, net or trap, for the above mentioned purpose. 8 V. c. 45, s. 1.

5. It is not lawful for any person on that day to go out fishing or to take, kill or destroy any fish, or to use any gun, fishing rod, net or other engine for that purpose. 8 V. c. 45, s. 1.

6. It is not lawful for any person on that day to bathe in any exposed situation in any water within the limits of any incorporated city or town, or within view of any place of public worship, or private residence. 8 V. c. 45, s. 1.

7. Any person convicted before a Justice of the Peace of any act hereinbefore declared not to be lawful, upon the oath or affirmation of one or more than one creditable witness, or upon view had of the offence by the said justice himself, shall, for every such offence, be fined in a sum not exceeding forty dollars, nor less than one dollar, together with the costs and charges attending the proceedings and conviction. 8 V. c. 45, s. 3.

8. All sales and purchases, and all contracts and agreements for sale or purchase, of any real or personal property whatsoever, made by any person or persons on the Lord's Day shall be null and void. 8 V. c. 45, s. 2.

9. When any person has been charged upon oath or otherwise, in writing, before any Justice of the Peace, with any offence against this Act, the said Justice shall summon the person so charged to appear before him, at a time and place to be named in such summons, and if such person fails or neglects to appear accordingly, then (upon proof of due service of the summons upon such person, by delivering or leaving a copy thereof at his house, or usual or last place of abode, or by reading the same over to him personally,) the said Justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself, or some other Justice of the Peace having jurisdiction within the same county or municipality; and the justice before whom the person charged appears or is brought, shall proceed to hear and determine the case, or the said justice, on view of the offence, may verbally order, or if on the complaint of a third party, then may, in writing, order the offender to be at once committed (although it be on the Lord's Day) to the common gaol of the place, or into other safe custody, there to remain until the morrow, or some other day, according to circumstances, until the case be heard and disposed of. 8 V. c. 45, s. 4.

10. The justice before whom any person is convicted of any offence against this Act, may cause the conviction to be drawn up in the following form, or in other form of words to the same effect, as the case may require, that is to say: 8 V. c. 45, s. 5.

Be it remembered, that on the day of , in the year of our Lord, eighteen , at , in the County of , (or at the City of , as the case may be,) A.B., of , is convicted before me, C.D., one of Her Majesty's Justices of the Peace for the said county, (or city, as the case may be,) for that he, the said A.B., did (specify the offence and the time and place, when and where the same was committed, as the case may be); and I, the said C.D., adjudge the said A.B., for his offence to pay, (immediately, or on or before the day of ,) the sum of , and also the sum of , for costs; and in default of payment of the said sums respectively, to be imprisoned in the common gaol of the said county (or city, as the case may be) for the space of months, unless the said sums be sooner paid; and I direct that the said sum of

(*the penalty*) shall be paid as follows, that is to say; one moiety thereof to the party charging the offence, and the other moiety to the Treasurer of the County, (*naming the one in which the offence was committed, or Chamberlain, of the said city, as the case may be*) to be by him applied according to the provisions of the Act, (*insert the title of this Act*).

Given under my hand and seal, the day and year first above mentioned.

C.D., J.P.

(L.S.)

11. A conviction under this Act shall not be quashed for want of form; nor shall any Warrant of Commitment be held void by reason of any defect therein, if it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the commitment. 8 V. c. 45, s. 6.

12. In default of payment of any fine imposed under this Act, together with the costs attending the same, within the period by the Justice of the Peace before whom such conviction takes place, specified for the payment thereof at the time of conviction, such Justice of the Peace (if he deems it expedient so to do) may issue his Warrant directed to any Constable to levy the amount of such fine and costs within a certain time, to be in the said Warrant expressed; and in case no distress sufficient to satisfy the amount be found, he may commit the offender to the common gaol of the county wherein the offence was committed, for any term not exceeding three months; unless the fine and costs be sooner paid. 8 V. c. 45, s. 7.

13. The prosecution for any offence punishable under this Act, must be commenced within one month after the commission of the offence, and not afterwards; and the evidence of any inhabitant of the county or municipality in which the offence has been committed, shall be admitted and receivable, notwithstanding the fine incurred by the offence may be payable for the benefit of such municipality; but the party who makes the charge in writing before the Justice, shall not be admitted as a witness in the case. 8 V. c. 45, s. 8.

14. In case a person thinks himself aggrieved by any conviction or decision under this Act, then, in case such person, within six days after such conviction or decision, and ten days at least before the first Court of General Quarter Sessions of the Peace, or in cities before the first Recorder's Court, (if there be a Recorder's Court) to be held not sooner than twelve days next after such conviction or decision, may appeal in the manner provided in and subject to the provisions of the Act respecting Appeals in cases of Summary Conviction. 8 V. c. 45, s. 9.

15. Every Justice of the Peace before whom any person is convicted of any offence against this Act, shall transmit the conviction to the next Court of General Quarter Sessions, or Recorder's Court (*as the case may be*) to be holden for the county or city wherein the offence was committed, there to be kept by the proper officer among the records of the court. 8 V. c. 45, s. 10.

16. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act, shall be laid and tried in the county where the fact was committed, and must be commenced within six months after the fact committed, and not afterwards; and notice in writing, of such action, and of the cause thereof, must be given to the defendant one month at least before the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon. 8 V. c. 45, s. 11.

17. No plaintiff shall recover in such action, if tender of sufficient amends be made before such action brought, or if a sufficient sum of money be paid into court after such action brought, by or on behalf of the defendant; and if a verdict passes for the defendant, or the plaintiff becomes non-suit, or discontinues any such action after issue joined, or if upon demurrer or otherwise judgment be given against the plaintiff, the defendant may recover his full costs, as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases. 8 V. c. 45, s. 11.

18. All sums of money awarded or imposed as fines or penalties, by virtue of this Act, shall be paid as follows, that is to say, one moiety thereof shall be paid to the party charging the offence in writing before the Justice, and the other moiety to the treasurer of the county or city wherein the offence was committed, to be by him accounted for in the same manner as for other moneys deposited with or paid over to him. 8 V. c. 45, s. 12.

19. This Act is not to extend to the people called Indians.* 8 V. c. 45, s. 14.

CHAPTER 216.

An Act to Prevent Minors from Frequenting
Billiard Rooms and other Places.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, en-
acts as follows:—

Short title. **1.** This Act may be cited as *The Minors' Protection Act*.
2 Geo. V. c. 57, s. 1.

Penalty for
admitting
minor under
eighteen. **2.** The keeper of a licensed billiard, pool or bagatelle room,
kept directly or indirectly for hire or gain, who admits a
minor under the age of 18 years thereto, or allows him to
remain therein, without the consent of his parent or guardian,
shall incur a penalty not exceeding \$10 for the first, and not
exceeding \$20 for each subsequent offence, recoverable under
Rev. Stat.
c. 90. *The Ontario Summary Convictions Act*. 2 Geo. V. c. 57, s. 2.

When Act not
to apply. **3.** This Act shall not apply where the minor is a member of
the family of the keeper or his servant, or does not go to
the billiard, pool or bagatelle room for the purpose of loiter-
ing or to play billiards, pool or bagatelle therein, or the
keeper had reasonable cause to believe that such consent had
been given by the parent or guardian, or that such minor was
not under the age of eighteen. 2 Geo. V. c. 57, s. 3.

CHAPTER 217.

An Act for the better preventing of excessive
and deceitful Gaming.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Gaming Act*. 2 Geo. V. Short title.
c. 56, s. 1.

2. Every agreement, note, bill, bond, confession of judgment, *cognovit actionem*, warrant of attorney to confess judgment, mortgage, or other security, or conveyance, the consideration for which, or any part of it, is money or other valuable thing won by gaming, or playing at cards, dice, tables, tennis, bowls, or other game, or by betting on the sides or hands of the players, or for reimbursing, or repaying, any money knowingly lent or advanced for such gaming, or betting, or lent, or advanced, at the time and place of such game or play, to any person so gaming, playing, or betting, or who, during such game or play, so plays, games, or bets, shall be deemed to have been made, drawn, accepted, given, or executed for an illegal consideration. 2 Geo. V. c. 56, s. 2.

Security given in gaming transaction, given for illegal consideration.
9 Anne, c. 19, (or c. 14 in Ruffhead's Ed.) s. 1, as amended by 2 Ed. VII. c. 1, s. 8.

3. If any person makes, draws, gives, or executes, any note, bill, or mortgage, for any consideration which is hereinbefore declared to be illegal, and actually pays to any indorsee, holder, or assignee of such note, bill, or mortgage, the amount of the money thereby secured or any part thereof, such money shall be deemed to have been paid for and on account of, the person to whom such note, bill, or mortgage was originally given, and to be a debt due and owing from such last named person to the person who paid such money, and shall accordingly be recoverable by action. 2 Geo. V. c. 56, s. 3.

Recovery back of money paid on gaming transaction.
Temp. Act, 5 & 6 W. 4, c. 41, s. 2.

4. Any person who, at any time or sitting, by playing at cards, dice, tables, or other game, or by betting on the sides or hands of the players, loses to any person so playing or betting, in the whole, the sum or value of \$40 or upwards, and pays or delivers the same or any part thereof, shall be at liberty, within three months thereafter, to sue for and recover the money or thing so lost and paid or delivered. 2 Geo. V. c. 56, s. 4.

Recovery of money lost at one sitting to the extent of \$40 or more.
9 Anne, c. 19 (or c. 14 in Ruffhead's Ed.), s. 2.

Payment of
wagers not
enforceable.
Imp. Act, 8
& 9 V., cap.
109, s. 18.

Exception.

5. Every contract or agreement by way of gaming or wagering shall be null and void; and no suit shall be brought or maintained for recovering any sum of money or valuable thing alleged to be won upon any wager, or which has been deposited in the hands of any person to abide the event on which any wager has been made; but this section shall not apply to any subscription or contribution, or agreement to subscribe or contribute for or towards any plate, prize, or sum of money to be awarded to the winner of any lawful game, sport, pastime or exercise. 2 Geo. V. c. 56, s. 5.

Promises to
repay sums
paid under
contract void
by section 5.

Imp. Act 55
& 56 V.,
c. 9, s. 1.

6. Any promise, express or implied, to pay any person any sum of money paid by him under or in respect of any contract or agreement rendered null and void by section 5, or to pay any sum of money by way of commission, fee, reward, or otherwise in respect of any such contract or agreement, or of any services in relation thereto or in connection therewith, shall be null and void, and no action shall be brought or maintained to recover any such sum of money. 2 Geo. V. c. 56, s. 6.

7. PUBLIC HEALTH.

CHAPTER 218.

An Act respecting the Public Health.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as *The Public Health Act*. 2 Geo. Short title. V. c. 58, s. 1.

INTERPRETATION.

2. In this Act,—

Interpreta-
tion.

- (a) "Chief Officer" shall mean the Chief Officer of Health for Ontario; "Chief officer."
- (b) "Communicable disease" shall mean and include any contagious or infectious disease, and shall include smallpox, chickenpox, diphtheria, scarlet fever, typhoid fever, measles, German measles, glanders, cholera, erysipelas, tuberculosis, mumps, anthrax, bubonic plague, rabies, poliomyelitis and cerebro-spinal meningitis, and any other disease which may be declared by the Regulations to be a communicable disease; "Communicable disease."
- (c) "House" or "household" shall include a dwelling house, lodging house, or hotel, and a students' residence, fraternity house, or other building in which any person in attendance as a student, pupil or teacher, or employed in any capacity in or about a university, college, school or other institution of learning resides or is lodged; "House,"
"Household."
- (d) "Householder" shall include the proprietor, master, mistress, manager, housekeeper, janitor, and caretaker of a house; "Householder."
- (e) "Local Board" shall mean the local board of health for any municipality; "Local Board."

- "Medical Officer of Health." (f) "Medical Officer of Health" shall mean the medical officer of health of the municipality appointed under this Act;
- "Member of a household." (g) "Member of a household" shall mean a person residing, boarding or lodging in a house;
- "Minister." (h) "Minister" shall mean the member of the Executive Council of Ontario charged by the Lieutenant-Governor in Council with the administration of this Act;
- "Municipality." (i) "Municipality" shall not include a county;
- "Occupier." (j) "Occupier" shall mean the person in occupation or having the charge, management or control of any premises, whether on his own account or as the agent of any person;
- "Owner." (k) "Owner" shall mean the person for the time being entitled in his own right, or as trustee, mortgagee in possession, guardian, committee, agent, or otherwise, to receive the rents, issues and profits of any property or from any premises;
- "Premises." (l) "Premises" shall mean and include any land or any building, public or private, sailing, steam or other vessel, any vehicle, steam, electric or street railway car for the conveyance of passengers or freight, any tent, van, or other structure of any kind, any mine, and any stream, lake, drain, ditch or place, open, covered or enclosed, public or private, natural or artificial, and whether maintained under statutory authority or not;
- "Provincial Board." (m) "Provincial Board" shall mean the Provincial Board of Health;
- "Regulations." (n) "Regulations" shall mean regulations made by the Provincial Board under the authority of this Act;
- (o) "Street" shall include any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not.
2 Geo. V. c. 58, s. 2.

PROVINCIAL BOARD OF HEALTH.

Provincial
Board, how
constituted.

3 (1) The Lieutenant-Governor in Council may appoint more than six persons, who, with the Chief Officer of Health, shall constitute the Provincial Board of Health for Ontario.

Term of
office.

2) The members of the Board so appointed shall hold office for three years from the date of appointment, and shall be eligible for re-appointment.

(3) At least four members of the Board shall be legally Four to be
qualified medical practitioners.

(4) The Lieutenant-Governor in Council may designate Chairman.
one of the members of the Board to be the Chairman thereof.

(5) The members of the Board so appointed shall be paid Remunera-
tion.
such salary or other remuneration as may be voted by the
Assembly, together with their actual travelling and other
necessary expenses while employed on the business of the
Board. 2 Geo. V. c. 58, s. 3.

4.—(1) The Lieutenant-Governor in Council may appoint Chief Officer
—appoint-
ment—quali-
fication.
a legally qualified medical practitioner of at least five years'
standing to be the Chief Officer of Health for Ontario.

(2) The Chief Officer of Health shall be *ex officio* a mem- Ex-officio
member and
secretary of
Board.
ber of the Board, and shall be the Secretary thereof.

(3) The Chief Officer of Health shall be the executive Duties and
powers.
officer of the Board, and in the intervals between the meet-
ings of the Board shall perform such duties and shall have
such powers as are imposed upon or by this Act vested in
the Board.

(4) The Lieutenant-Governor in Council may also appoint Provincial
Inspector
of Health.
a duly qualified medical practitioner, of at least five years'
standing, to be Provincial Inspector of Health.

(5) The Provincial Inspector of Health may exercise, any- Duties and
powers.
where in Ontario any of the powers conferred by this Act on
medical officers of health, and he shall act, under the direc-
tion of the Provincial Board, and shall perform such duties
as may be assigned to him by the Board or by the Chief
Officer of Health. 2 Geo. V. c. 58, s. 4.

5.—(1) The Provincial Board shall meet at least four Meetings.
times in every year.

(2) A majority of the Provincial Board shall be a quorum. Quorum.

(3) The Board may make rules regulating the transac- Rules and
by-laws.
tion of its business, and may provide therein for the appoint-
ment of committees to whom it may delegate authority and
power for the work committed to them. 2 Geo. V. c. 58, s. 5.

6. It shall be the duty of the Provincial Board, and it Duties and
powers of
Board.
shall have power to,—

(a) Make investigations and enquiries respecting the Investiga-
tions as to
disease and
mortality.
causes of disease and mortality in Ontario or in
any part thereof;

(b) Advise the officers of the Government in regard to Advising as
to sanitary
matters.
public health generally, and as to drainage, water
supply, disposal of garbage and excreta, heating,
ventilation and plumbing of premises;

Oversight of
vaccine and
serum.

- (c) Exercise a careful oversight of vaccine matter and serum produced or offered for sale in Ontario, or manufacture the same if deemed advisable, and as far as possible prevent the sale of the same when found to be impure or inert, and see that a supply of proper vaccine matter is obtainable at all times at such vaccine farms and other places as are subject to inspection by the Board;

Enquiring into
alleged
nuisances.

- (d) Determine whether the existing condition of any premises or of any street, or public place, or the method of manufacture or business process, or the disposal of sewage, trade or other waste, garbage or excrementitious matter is a nuisance or injurious to health;

Inspection of
sanitary con-
ditions in
gaols, etc.

- (e) Inspect all county gaols, prisons, houses of refuge, asylums, hospitals, sanatoria, orphanages, homes or places of refuge, charitable institutions and other public or private institutions for the safe keeping, custody or care of any person confined therein by process of law, or received or cared for therein at his own charges or by public or private charity, and see that such institutions are kept in a proper sanitary condition and that this Act and the Regulations are complied with;

Distribution of
literature.

- (f) Make public distribution of sanitary literature, especially during the prevalence in any part of Ontario of any communicable disease, and pay particular attention to all matters relating to the prevention and spread of communicable diseases in such manner as the Board may deem best to control any outbreak;

Entry on
premises and
orders as to
alterations
therein.

- (g) Enter into and go upon any premises in the exercise of any power or the performance of any duty under this Act, and make such orders and give such directions with regard to the structural alteration of the premises or with respect to any other matter as the Board may deem advisable in the interests of the public health. 2 Geo. V. c. 58, s. 6.

Investiga-
tion as to
disease and
mortality.

7. (1) The Provincial Board may direct the Chairman or Secretary or any member or officer of the Board to investigate the causes of any communicable disease or mortality in any part of Ontario, and the person so directed may take evidence on oath or otherwise, as he may deem expedient, and shall, for the purposes of such investigation, possess all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

(2) Where it appears to the Board that any unsanitary condition or nuisance exists in a municipality, and that the local board has, on a proper representation of the facts, neglected or refused to take such measures as may remove such condition or abate such nuisance, the Board may direct an investigation as provided by subsection 1.

Investigation as to unsanitary conditions and nuisances.

(3) If upon such investigation it is found that a remediable unsanitary condition or nuisance exists, the Board may direct its immediate removal or abatement by the person responsible therefor, and if such person neglects or refuses after three days' notice by the Board to remove or abate the same, may cause such removal or abatement to be made, and the treasurer of the municipality shall forthwith pay out of any money of the municipality any expenses incurred under such orders. 2 Geo. V. c. 58, s. 7.

Removal or abatement.

8. The Provincial Board, with the approval of the Lieutenant-Governor in Council, may make such Regulations as may be deemed necessary for,

Regulations.

- (a) The prevention or mitigation of disease; Prevention and mitigation of disease.
- (b) The frequent and effectual cleansing of streets, yards and premises; Cleansing streets and premises.
- (c) The removal of nuisances and unsanitary conditions; Removal of nuisances, etc.
- (d) The cleansing, purifying, ventilating and disinfecting of premises by the owners and occupiers or other persons having the care or ordering thereof; Cleansing and disinfecting premises.
- (e) Regulating, so far as this Legislature has jurisdiction in that behalf, the entry and departure of boats or vessels at the different ports or places in Ontario, and the landing of passengers or cargoes from such boats or vessels or from railway carriages or cars, and the receiving of passengers or cargoes on board the same, for the purpose of preventing the spread of any communicable disease; Passenger traffic.
- (f) The safe and speedy interment or disinterment of the dead, the transportation of corpses and the conduct of funerals; Burials.
- (g) The supplying of such medical aid, medicine and other articles and accommodation as the Board may deem necessary for preventing or mitigating an outbreak of any communicable disease; Checking communicable diseases.
- (h) The inspection of premises by the local board or medical officer of health, or some officer of the Provincial Board, and the cleansing, purifying and disinfecting anything contained therein when Inspection for the purpose of disinfection.

required by the local board or officer, at the expense of the owner or occupier, and for detaining for this purpose any steamboat, vessel, railway carriage or car, or public conveyance and anything contained therein and any person travelling thereby as may be necessary;

Ordering
alteration or
destruction.

- (i) Entering and inspecting any premises used for human habitation in any locality in which conditions exist which, in the opinion of the Board, are unsanitary, or such as to render the inhabitants specially liable to disease, and for directing the alteration or destruction of any such building which is, in the opinion of the Board, unfit for human habitation;

Preventing
overcrowding.

- (j) Preventing the overcrowding of premises used for human habitation by limiting the number of dwellers in such premises and the amount of air space to be allowed for each dweller therein;

Preventing
travel by
persons ex-
posed to
infection.

- (k) Preventing the departure of persons from infected localities and for preventing persons or conveyances from passing from one locality to another, and for detaining persons or conveyances who or which have been exposed to infection for inspection or disinfection until the danger of infection is past;

Sanitary
inspectors.

- (l) Regulating the appointment of sanitary inspectors to be paid by the municipality in which they act for the purpose of enforcing this Act or the regulations, or any by-law in force in the municipality;

Surveillance.

- (m) The removal or keeping under surveillance of persons living in infected localities;

Taking pos-
session of
premises.

- (n) Authorizing the taking possession by a municipal corporation, local board of health, or medical officer of health, for any of the purposes of this Act, of any land or unoccupied building;

Health and
summer
resorts and
inland
waters.

- (o) The sanitary precautions to be taken in health resorts, summer resorts and upon boats or other vessels plying upon lakes, rivers, streams and other inland waters, and for preventing the pollution of such waters by the depositing therein of sewage, excreta, vegetable, animal or other matter or filth;

General.

- (p) Any other matter which, in the opinion of the Board, the general health of the inhabitants of Ontario or of any locality may require. 2 Geo. V. c. 58. s. 8.

9. The Provincial Board may, from time to time, declare all or any of such Regulations to be in force in any specified municipality or locality for such time as the Board may deem expedient. 2 Geo. V. c. 58, s. 9. Application of regulations.

10.—(1) The Regulations shall be subject to the approval of the Lieutenant-Governor in Council, and shall come into force and take effect upon publication of such approval and the regulations approved in the *Ontario Gazette*. Approval and promulgation of regulations.

(2) Every Regulation shall be laid before the Assembly forthwith if the Assembly is then in session, or if it is not then in session within fourteen days after the commencement of the next Session. 2 Geo. V. c. 58, s. 10. To be laid before Assembly.

11.—(1) Any order or regulation made by the Provincial Board shall, while it is in force in any locality, supersede any municipal by-law or other regulation, including the by-law set out in Schedule "B," dealing with the same subject matter, and so far as any such by-law or other regulation is inconsistent with the order or regulation of the Board, such by-law or other regulation shall be deemed to be suspended. By-laws, etc., superseded by regulations.

(2) Every order or regulation made by the Board shall be published in the next report issued by the Board. 2 Geo. V. c. 58, s. 11. Publication of Regulations.

12. The Chief Officer of Health and every member of the Provincial Board, and every officer of the Board shall possess all the powers conferred upon a medical officer of health and the officers of a local board by this Act or by the Regulations. 2 Geo. V. c. 58, s. 12. Powers of members of Provincial Board and its officers.

13.—(1) The Lieutenant-Governor in Council may divide the Province for the purposes of this section into not more than ten Health Districts, and may appoint a legally qualified medical practitioner to be known as the District Officer of Health for each such District, but a city, having a population of 50,000 or over, according to the last census of Canada, shall not be included in any such District. Health districts and district officers.

(2) Every District Officer of Health shall be paid an annual salary not exceeding \$2,500 and his actual and necessary travelling and other expenses incurred in the discharge of his duties, and such salary and expenses shall be payable in the first instance out of the Consolidated Revenue Fund. Salaries.

(3) The council of every county forming part of a health district shall annually, on or before the 1st day of February, pay to the Treasurer of Ontario such proportion of the salary and expenses of the District Officer of Health, based upon the population of the county according to the last census of Canada and exclusive of the population of any city or separated town within the county, as may be certified by the Chief Officer. County to reimburse Province.

Contribution
by cities of
less than
50,000 and
separated
towns.

(4) Every city having a population of less than 50,000 and every town separated from the county for municipal purposes shall pay to the Treasurer of Ontario, on or before the 1st day of February, such proportion of the salary and expenses of the District Officer of Health, based upon the population of such city or town according to the last census of Canada, as may be so certified.

In provisional
judicial
districts

(5) In a provisional judicial district in which there is no organized municipality the salary and expenses of the District Officers of Health shall be borne and paid by the Province.

Contributions
by municipa-
lities in such
districts.

(6) In a provisional judicial district in which there are one or more organized municipalities the salaries and expenses of the District Officers of Health shall in the first instance be borne and paid by the Province, and the corporations of such municipalities shall respectively repay to the Province the same proportions thereof as would be payable by them if the district were a county.

Duties and
powers.

(7) Every District Officer of Health shall, within his district, enforce this Act and the Regulations and any other Act or Regulations respecting the health of the inhabitants of the district or their protection from communicable disease, and generally do within the district anything which a member of the Provincial Board, medical officer of health or sanitary inspector is authorized or required to do under this Act.

May act in
other
districts

(8) Whenever required so to do by the Board, a District Officer of Health shall have the same authority and shall perform the same duties in any part of Ontario as he might do in the district for which he is appointed.

To act under
Provincial
Board.

(9) Every District Officer of Health shall act under the supervision and control of the Board, and shall report to it at least monthly, and at such other times as may be required, and shall in such report give such information as may be required by the Board or by the Regulations. 2 Geo. V. c. 58, s. 13.

LOCAL BOARDS OF HEALTH.

Local Boards.

14.—(1) There shall be a local board of health for every municipality in Ontario.

In cities and
in towns of
4,000 or
over.

(2) In a city, and in every town having a population of 4,000 or over, according to the enumeration of the assessors for the last preceding year, the local board shall consist of the mayor, the medical officer of health, and three resident ratepayers to be appointed annually by the council at its first meeting in every year.

In towns of
less than
4,000 and
townships.

(3) In a town having a population of less than 4,000, according to such enumeration, and in every other municipality, the local board shall consist of the head of the muni-

city, the medical officer of health, and one resident ratepayer to be appointed as provided by subsection 2.

(4) There shall be a secretary of the local board, and, unless ^{Secretary.} otherwise provided by the council, the clerk shall be the secretary. 2 Geo. V. c. 58, s. 14.

15. Every local board shall be a corporation by the name ^{Corporate name.} of "The Local Board of Health of the City (or as the case may be, inserting the name of the municipality) of ."
2 Geo. V. c. 58, s. 15.

16.—(1) A local board shall hold at least four meetings ^{Meetings.} in each year at a time and place to be fixed by resolution of the board, and such other meetings as may be prescribed by the Regulations, or be required by the Board.

(2) At the first meeting of a local board in every year, ^{Chairman.} which shall be held not later than the first day of February, the board shall elect one of its members to be chairman.
2 Geo. V. c. 58, s. 16.

17. Any member of a local board may call a special meeting thereof at any time by giving notice in writing to the ^{Special meetings.} secretary and to the remaining members of the board. 2 Geo. V. c. 58, s. 17.

18. The clerk of the municipality shall report to the Provincial Board the names and addresses of the members of the local board in each year, on or before the 1st day of February, and he shall so report any change occurring during the year in the membership of the board. ^{Secretary to report membership of board to Provincial Board.} 2 Geo. V. c. 58, s. 18.

19. Whenever a vacancy occurs in any local board of a city or town by the death, resignation or removal of an appointed member the council shall, at its first meeting after such vacancy occurs, appoint a resident ratepayer to fill the same, and in default of such appointment the Provincial Board may appoint a resident ratepayer of the municipality to fill the vacancy. ^{Vacancies in board.} 2 Geo. V. c. 58, s. 19.

20. A majority of the members of a local board shall ^{Quorum.} form a quorum. 2 Geo. V. c. 58, s. 20.

21. In a township every member of a local board and the secretary shall be entitled to the sum of \$2 for every attendance at a meeting of the board, and his necessary travelling expenses in going to and returning from the same, and the amount of such remuneration and expenses shall be payable by the treasurer of the municipality upon the order of the chairman of the board. ^{Remuneration and payment of expenses.} 2 Geo. V. c. 58, s. 21.

Payment
of accounts
certified by
board.

22. The treasurer of the municipality shall forthwith upon demand, pay the amount of any account for services performed under the direction of the board and materials and supplies furnished, or for any expenditure incurred by the board or by the medical officer of health or sanitary inspector in carrying out the provisions of this Act or the Regulations, after the board has by resolution approved of the account and a copy of the resolution certified by the chairman and secretary has been filed in the office of the treasurer. 2 Geo. V. c. 58, s. 22.

Recording
proceedings.

23.-(1) The proceedings of every local board shall be recorded by the secretary in a book to be kept for that purpose.

Annual
report.

(2) The secretary shall annually, on or before the 15th day of December, prepare a report of the work done by the board during the year, and of the sanitary condition of the municipality.

Report
to be trans-
mitted to
Provincial
Board.

(3) The report as adopted by the local board shall include the annual report of the medical officer of health and shall be transmitted to the Secretary of the Provincial Board. 2 Geo. V. c. 58, s. 23.

Weekly
report to
Provincial
Board.

24. The secretary of every local board shall report weekly to the Provincial Board the number of cases and deaths from communicable diseases, and the number of deaths from all other causes occurring in the municipality during the preceding week, upon a form to be supplied by the Provincial Board. 2 Geo. V. c. 58, s. 24.

Enforcing
provisions
local board.

25.-(1) Whenever a local board has authority to direct that any matter or thing shall be done by any person, the board may also, in default of its being done by the person, direct that such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof by action in any court of competent jurisdiction, or the board may direct that the same be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes. 2 Geo. V. c. 58, s. 25.

When local
board is
unable to
pay.

(2) Where a local board in any city recommends that sanitary conveniences should be installed in any building, and is of the opinion that the owner of the premises is unable to pay the expense of the same at once, the municipality may install suitable sanitary conveniences at the expense of the owner, and the board may direct that the cost, including interest at five per centum on the deferred payments, be paid by the owner in equal successive annual payments extending over a period not exceeding five years, and that such annual payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes. 3-4 Geo. V. c. 55, s. 1.

When local
board is
unable to
pay.
Installments.

26.—(1) Where an action is brought against a local board or any member, officer or employee of a local board by any person who has suffered any damage by reason of any act or default on the part of such local board or any member, officer or employee thereof, the corporation of the municipality may assume the liability or the defence of the action, and may pay any damages or costs for which such board or the member, officer or employee is liable in respect of such act or default.

Municipality may assume responsibility for board or employees.

(2) In this section the word "employee" shall not include a contractor with the local board. 2 Geo. V. c. 58, s. 26.

But not for contractors.

27. It shall be the duty of a local board to superintend and see to the carrying out of the provisions of this Act and of the Regulations, or of any by-law of the municipality, and to execute, do and provide all such acts, matters and things as are necessary for that purpose. 2 Geo. V. c. 58, s. 27.

Duty of local board as to carrying out Act and Regulations.

28. Where information is given in writing to the local board by any resident householder of the existence of a nuisance or unsanitary condition in the municipality, the local board shall forthwith cause the complaint to be investigated and all necessary steps to be taken as provided by this Act to abate or remedy the same. 2 Geo. V. c. 58, s. 28.

Complaints as to nuisances.

29. Where a medical officer of health is of opinion that the cleansing and disinfecting of any house or part thereof, or of any articles therein likely to retain infection, would tend to prevent or check any communicable disease, he shall, through the sanitary inspector or otherwise, at the cost and charge of the municipality, cleanse and disinfect such house or part thereof and the articles therein contained. 2 Geo. V. c. 58, s. 29.

Cleansing and disinfecting houses, etc.

30. A local board may provide, maintain or hire an ambulance or carriage for the conveyance of persons suffering from disease or accident, and may pay the expense of conveying therein any person so suffering to a hospital or other place. 2 Geo. V. c. 58, s. 30.

Ambulance.

31. A local board may provide all necessary apparatus and attendance for the disinfection or destruction of bedding, clothing or other articles which have become infected, and may cause such articles to be disinfected free of charge or may make a reasonable charge for disinfecting them. 2 Geo. V. c. 58, s. 31.

Disinfecting apparatus.

32. A local board may direct the destruction of any furniture, bedding, clothing or other articles which have been exposed to infection, and may give compensation therefor. 2 Geo. V. c. 58, s. 32.

Destruction of infected bedding, etc.

Appeal to
county judge
from order
of Board.

33. Where the order of a local board or medical officer of health involves an expenditure of more than \$1,000, the person against whom the order is made, or any person chargeable with such expenditure or any part thereof, may, within four days after being served with a copy of such order, appeal therefrom to the Judge of the County or District Court who shall have power to vary or rescind the order, and any order so varied may be enforced by the board in the same manner as an order originally made by the board or a medical officer of health. 2 Geo. V. c. 58, s. 33.

Powers of
Provincial
Board on
determination
of
authorities.

34. (1) Where a local board of health has not been established as required by this Act, or where a local board of health or any officer thereof has in the opinion of the Minister refused or neglected to act with sufficient promptness or efficiency in carrying out the provisions of this Act or any order or Regulation of the Provincial Board, or to take such efficient measures as might remove any unsanitary condition or abate any nuisance, the Minister may direct the Chief Officer to carry out such measures as are authorized by this Act, or by any order or Regulation made thereunder.

Liability
for payments
of expenses.

(2) The expenses so incurred shall be certified by the Minister, and shall be a debt due by the corporation of the municipality, and upon presentation of such certificate the treasurer of the municipality shall pay the same.

Recovery
from person
responsible.

(3) Nothing in this section shall prevent the corporation from recovering from any person any money paid by the corporation under this section, as provided by section 59. 2 Geo. V. c. 58, s. 34.

MEDICAL OFFICERS OF HEALTH.

Medical
officers of
health and
sanitary
inspectors.

35. (1) The council of every municipality shall appoint a legally qualified medical practitioner to be the medical officer of health for the municipality, and shall also appoint such number of sanitary inspectors for the municipality as may be deemed necessary by the local board, and as may be prescribed by the Regulations.

By Lieutenant-
Governor in
Council
in default.

(2) Where the council refuses or neglects to make any of such appointments, or to fill any vacancy, the Provincial Board shall, by registered letter addressed to the clerk of the municipality, require the council to make the appointment or to fill the vacancy forthwith, and if the council continues in default for five days after the receipt of such letter the Lieutenant-Governor in Council, upon the recommendation of the Provincial Board, may make the appointment or fill the vacancy. 2 Geo. V. c. 58, s. 35.

Term of
office.

36. Every sanitary inspector appointed by the council shall hold office during the pleasure of the council, and if appointed by the Lieutenant-Governor in Council shall hold

office until the first day of February in the year following that of his appointment. 2 Geo. V. c. 58, s. 36.

37. Every medical officer of health appointed by the council shall hold office during good behaviour and his residence in the municipality, or in an adjoining municipality, and, if appointed by the Lieutenant-Governor in Council, shall hold office until the first day of February in the year following that of his appointment, and no medical officer of health shall be removed from office except for cause and with the approval of the Provincial Board. 2 Geo. V. c. 58, s. 37. Dismissal.

38. The medical officer of health shall be the executive M.O.H. to be officer of the local board, and with the local board shall be responsible for the carrying out of the provisions of this Act, and of the Regulations, and of the by-laws of the municipality. 2 Geo. V. c. 58, s. 38. executive officer of board.

39. Every medical officer of health, whether appointed by the council or by the Lieutenant-Governor in Council, shall be paid by the municipal corporation a reasonable salary to be fixed by by-law. 2 Geo. V. c. 58, s. 39. Salaries of medical officers of health.

40. Sanitary inspectors shall be paid such annual sum as may be determined by the council of the municipality. 2 Geo. V. c. 58, s. 40. Payment of sanitary inspectors.

41. Where a vacancy occurs in the office of medical officer of health, the council shall forthwith appoint another medical officer of health in his stead. 2 Geo. V. c. 58, s. 41. Vacancy in office of M.O.H.

42.—(1) There shall be an annual conference of all the medical officers of health, and it shall be the duty of every medical officer of health to attend the same. Annual conference.

(2) The expenses of the attendance of each medical officer of health shall be borne by the corporation of the municipality, and shall be payable in addition to his salary on the certificate of the Secretary of the Provincial Board. Expenses of attendance.

(3) The conference shall be held at such time and place as may be determined by the Provincial Board. 2 Geo. V. c. 58, s. 42. Time and place of holding.

ISOLATION HOSPITALS.

43.—(1) The corporation of a municipality may establish, erect and maintain one or more isolation hospitals for the reception and care of persons suffering from any communicable disease. Establishment.

(2) The corporations of two or more adjacent municipalities may join in establishing, erecting and maintaining such a hospital. Municipalities may join in establishing.

Issue of
debentures.

(3) A corporation may borrow money by the issue of debentures for the purposes mentioned in subsections 1 or 2, and it shall not be necessary to obtain the assent of the electors to any by-law for raising money for such purpose.

When pay-
able.

(4) Debentures issued under this section shall be payable within twenty years from the date of the issue thereof.

Where to be
established.

(5) Any such hospital may be established in a municipality or in one of the municipalities providing for the same or in an adjoining municipality.

Subject to
sections
44-48.

(6) The powers conferred by this section shall be subject to the provisions of sections 44 to 48, but an isolation hospital shall not be established, maintained or kept by a municipal corporation upon lands in another municipality which were selected, purchased or contracted for, or upon which the corporation had secured an option before the 1st day of January, 1912, and upon which an isolation hospital had not before that date been erected, without the consent of the council of the municipality in which such lands are situate, and unless such consent had been obtained before the 16th day of May, 1912, such land shall not be used for that purpose. 2 Geo. V. c. 58, s. 43.

Permission
for establish-
ment of isola-
tion hospitals
and consump-
tion hospitals;
Rev. Stat.
c. 100.

44. No such isolation hospital and, except as provided by *The Sanatoria for Consumptives Act*, no sanatorium, institution or place for the reception, care, or treatment of persons suffering from consumption or tuberculosis shall be established or maintained or kept within the limits of any municipality without permission to be given in the manner hereinafter provided. 2 Geo. V. c. 58, s. 44.

Application
to local
board.

45 — (1) Every municipal corporation and every person desiring to establish, maintain or keep any such isolation hospital, sanatorium, institution or place in a municipality, shall make application in writing to the local board of health of such municipality for permission to do so.

Notice of
meeting.

(2) The local board shall give notice of the application and of the meeting at which the same will be considered by advertisement once a week for two successive weeks in a newspaper published in the municipality or, if there is no such newspaper, in a newspaper published in an adjoining municipality.

When and where
of applica-
tion.

(3) The local board shall take such application into consideration at its next general meeting after the last publication of such notice, or at a special meeting to be called for the purpose within one month after that date.

Hearing and
decision.

(4) The local board shall hear the applicant for such permission in person or by counsel, and shall hear any person opposed to the granting of such permission, and shall within one month thereafter determine by resolution of the board whether or not such application shall be granted.

(5) If the local board determines not to grant such permission notice in writing of their decision shall forthwith be given to the applicant by registered letter, and the applicant may appeal from such decision to a board of appeal to be composed of the head of the municipality, the Sheriff of the county or district in which the municipality is situate, and the Secretary of the Provincial Board of Health.

Refusal of permission.

Appeal.

(6) The appeal shall be by notice in writing addressed to the Secretary of the Provincial Board, and sent by registered post to him within seven days after the receipt of notice of the decision of the local board.

Notice of appeal.

(7) The Secretary of the Provincial Board shall appoint a time and place for the consideration of the appeal, and at least seven days' notice of the time and place of hearing the appeal shall be given by registered letter addressed to the secretary of the local board and to the applicant, and by advertisement in a newspaper published in the municipality in which it is sought to establish such hospital, sanatorium, institution or place of reception, or, if there is no such newspaper, in a newspaper published in the county or district town of the county or district in which such municipality is situate.

Notice of hearing of appeal.

(8) The board of appeal shall hold a sitting at such time and place and shall hear what may be alleged for and against such appeal on behalf of the applicant and the local board of health or any ratepayer of the municipality who may object to the granting of such permission.

Hearing of appeal.

(9) The board of appeal may adjourn the proceedings for the purpose of visiting any building or proposed site and determining upon its suitability or procuring such further information as the board may deem necessary.

View of locality.

(10) The decision of the board of appeal or a majority of the members thereof shall be given in writing and shall be final.

Decision of board of appeal.

(11) Each of the members of the board of appeal shall be entitled to a fee of \$10 per day for each day during which he is necessarily engaged in connection with the appeal and reasonable and necessary expenses, and the same and any other costs and expenses incurred in hearing the appeal shall be payable by the appellant upon the written order of the Secretary of the Provincial Board to the persons entitled thereto.

Fees of board of appeal.

(12) Nothing in this section or in section 44 contained shall apply to any public general hospital in which persons suffering from other diseases as well as persons suffering from consumption or tuberculosis are received and treated.

Sections 43 and 44 not to apply to certain hospitals.

2 Geo. V. c. 58, s. 45.

46. Every person who erects, establishes or maintains any such isolation hospital, sanatorium, institution or place, or

Penalty.

who takes part in the superintendence or management thereof, until permission has been given as provided by the next preceding section, shall incur a penalty not exceeding \$25 for every day on which such offence is continued. 2 Geo. V. c. 58, s. 46.

Plans to be approved by Provincial Board.

47.—(1) No isolation hospital shall be established by the corporation of any municipality until the plans and the proposed equipment thereof shall have been submitted to and approved by the Provincial Board.

Directions of Provincial Board as to alterations, etc.

(2) Every municipal corporation establishing such an isolation hospital shall from time to time make such alterations therein and such changes or improvement in the equipment thereof as may be directed by the Provincial Board. 2 Geo. V. c. 58, s. 47.

Control of the local board.

48 Subject to the Regulations the local board of the municipality, by the corporation of which an isolation hospital is established, shall have the management and control of it, and of the conduct of the physicians, nurses, attendants and patients. 2 Geo. V. c. 58, s. 48.

EMERGENCY HOSPITALS.

Temporary emergency hospitals in case of outbreak of disease.

49. Where any communicable disease, to which this section is by the Regulations made applicable, becomes prevalent in a municipality, and the municipal corporation has not already provided proper hospital accommodation for such cases, the medical officer of health of a local board shall immediately provide, at the cost of such corporation, such a temporary hospital, hospital tent, or other place or places of reception for the sick and infected as may be deemed best for their accommodation and the safety of the inhabitants, and for that purpose may,—

- (a) Erect such hospital, hospital tent, or place of reception;
- (b) Contract for the use of any existing hospital, hospital tent, or place of reception; or,
- (c) Enter into an agreement with any person having the management of any such hospital, subject to the approval of the medical officer of health of the local municipality in which such hospital is situate, for the reception and care of persons suffering from such communicable disease, and for the payment of such remuneration therefor as may be agreed upon. 2 Geo. V. c. 58, s. 49.

ACQUIRING LAND.

Overruling local in case of emergency.

50.—(1) Where an outbreak of any of the diseases, to which the next preceding section applies, occurs or is apprehended, the local board of health may enter upon and take

and use for the purposes mentioned in that section any land or unoccupied building without prior agreement with the owner of the same and without his consent, and may retain the same for such period as may appear to the board to be necessary.

(2) Written notice, Schedule A., shall, within five days after the taking or obtaining possession, be given by the board to the clerk of the municipality wherein the land or unoccupied building is situate; such notice shall be given whether possession is taken or obtained with the consent of the owner or otherwise.

Notice to clerk of local municipality.

(3) Where possession is taken without the consent of the owner, the board shall, within five days after taking possession, give the like notice to the owner.

Notice to owner where not a consenting party.

(4) If the owner is not known, or is not a resident in Ontario, or if his residence is unknown to the board, the board shall cause the notice to be published in two successive issues of some local newspaper having a circulation within the municipality where the property is situate, and shall send by registered post to the last known address, if any, of the owner a copy of the notice, and such publication shall be sufficient notice to the owner.

Where owner or his address is unknown.

(5) The owner shall be entitled to compensation from the corporation of the municipality wherein the land or building is situate, for the use and occupation thereof, including any damages arising from such use and occupation, such compensation to be agreed upon between the council of the municipality and the owner; and in case they do not agree, the Judge of the County or District Court of the county or district in which the property is situate shall summarily determine the amount of the compensation, and the terms of payment, in such manner and after giving such notice as he sees fit. 2 Geo. V. c. 58, s. 50.

Compensation.

51. Where any resistance or forcible opposition is offered or apprehended to possession being taken of the land or building, the Judge of the County or District Court may, without notice to any person, issue his warrant to the Sheriff of the county or district, or to any other person, as he may deem most suitable, requiring him to put and maintain the board, its agents or servants in possession, and to put down such resistance or opposition, which the Sheriff or other person, taking with him sufficient assistance, shall accordingly do. 2 Geo. V. c. 58, s. 51.

Order for possession.

MEDICAL CARE OF INDIGENTS.

52.—(1) The corporation of every municipality shall enter into an agreement with the medical officer of health or some other legally qualified medical practitioner resident in the municipality or in a municipality adjacent thereto for his medical attendance upon and care of persons suffering

Municipal corporation to provide for medical attendance for indigent persons.

from the result of injury or disease who, in the opinion of the head of the municipality or of its relief officer, if any, are unable through poverty to pay for the necessary attendance, and who are not cared for in a public or private hospital.

M.O.H. need not act unless remunerated.

(2) This section shall not impose any duty on the medical officer of health in respect to such cases, unless an agreement has been entered into with him, as provided in subsection 1.

Agreement to provide for remuneration.

(3) Every such agreement shall provide for fair and reasonable remuneration for the service rendered. 2 Geo. V. c. 58, s. 52.

PROVISIONS AS TO COMMUNICABLE DISEASE.

Communicable diseases. Notice by householder.

53.—(1) Whenever any householder knows or has reason to suspect that any person within his family or household, or boarding or lodging with him, has any communicable disease, he shall, within twelve hours, give notice thereof to the secretary of the local board or to the medical officer of health.

How given.

(2) The notice may be given to the secretary or to the medical officer of health at his office, or by letter addressed to either of them and mailed within the time above specified. 2 Geo. V. c. 58, s. 53.

Removal of person or clothing prohibited.

54. No householder, in whose dwelling there occurs any communicable disease, shall permit any person suffering from such disease to leave, or any clothing or other property to be removed from his house without the consent of the medical officer of health, who may forbid such removal or prescribe the conditions thereof. 2 Geo. V. c. 58, s. 54.

Report by physician.

55. (1) Whenever any legally qualified medical practitioner knows, or has reason to suspect, that any person whom he is called upon to visit is infected with any communicable disease, he shall within twelve hours give notice thereof to the medical officer of health of the municipality in which such diseased person is.

Superintendents of hospitals, etc.

(2) This section shall apply to the medical superintendent or person in charge of any general or other hospital in which there is known to him to be a patient suffering from any communicable disease. 2 Geo. V. c. 58, s. 55.

Precautions against spread of infection.

56.—(1) Where any communicable disease is found to exist in any municipality, the medical officer of health and local board shall use all possible care to prevent the spread of infection or contagion by such means as in their judgment is most effective for the public safety.

Closing schools, churches, etc.

(2) The medical officer of health or local board, when it is considered necessary to prevent the spread of any communicable disease, may direct that any school or seminary of

learning, or any church or public hall or other place used for public gatherings or entertainment in the municipality shall be closed, and may prohibit all public assemblies in the municipality; and no such school, seminary, church, hall or public place shall be kept open after such direction for the admission of the public, nor re-opened without the permission of the medical officer of health. 2 Geo. V. c. 58, s. 56.

57. The medical officer of health, or the local board, or a committee thereof, shall isolate any person having any communicable disease, to which this section is by the Regulations made applicable, and shall forthwith cause to be posted up on or near the door of the house or dwelling, in which any such person is, a notice stating that such disease is within the house or dwelling. 2 Geo. V. c. 58, s. 57. Isolation of patient.

58.—(1) If any person coming from abroad, or residing in any municipality within Ontario, is infected, or has recently been infected with, or exposed to, any communicable disease to which this section is by the Regulations made applicable, the medical officer of health or local board shall make effective provision for the public safety by removing such person to a separate house, or by otherwise isolating him, and by providing medical attendance, medicine, nurses and other assistance and necessities for him. Of infected persons.

(2) The corporation of the municipality shall be entitled to recover from such person the amount expended in providing such medical attendance, medicine, nurses and other assistance and necessities for him, but not the expenditure incurred in providing a separate house or in otherwise isolating him. 2 Geo. V. c. 58, s. 58. Recovery of expenses.

59. Where, owing to the refusal or neglect of the medical officer of health, the local board or the corporation of any municipality, any communicable disease is brought into another municipality, the corporation of which incurs expense in preventing the spread of such communicable disease, the corporation of the municipality in default shall pay to the corporation of the municipality incurring such expense the whole amount thereof, and the same shall be recoverable as a debt in any court of competent jurisdiction. 2 Geo. V. c. 58, s. 59. Recovery of expense incurred through neglect or refusal to carry out Act.

60. No person suffering from any communicable disease, to which this section is by the Regulations made applicable, shall be removed at any time except by permission and under direction of the medical officer of health, nor shall any occupant of any house in which there exists any such communicable disease change his residence to any other place without the consent of the medical officer of health, or without complying with such conditions as he may prescribe. 2 Geo. V. c. 58, s. 60. Removal of patients.

Power to enter premises.

61. The medical officer of health, or a legally qualified medical practitioner appointed by him in writing for that purpose, may enter in and upon any house, out-house or premises, in the day time, for the purpose of making enquiry and examination with respect to the state of health of any person therein, and cause any person found therein, who is infected with any communicable disease, to be removed to a hospital or some other proper place. 2 Geo. V. c. 58, s. 61.

Entering and disinfecting public conveyances.

62.—(1) Where there is any reason to suspect that any person suffering from a communicable disease to which this section is by the Regulations made applicable is in or upon any railway car, street railway car, steamboat, vessel, stage, or other conveyance, the medical officer of health or sanitary inspector of the municipality, or any member of the local board, may enter such conveyance and cause such person to be removed therefrom, and may detain the conveyance until it is properly disinfected; or such officer or member may, if he thinks fit, remain on, or in, or re-enter and remain on or in such conveyance, with any assistance he may require, for the purpose of disinfecting it; and his authority shall continue in respect of such person and conveyance notwithstanding that the conveyance is taken into another municipality.

Payment by owner of conveyance.

(2) The expense incurred for medical attendance, care, nursing, maintenance and all costs for disinfection shall be paid by the owner of the conveyance in which such person is found.

Authority given by Provincial Board.

(3) Any legally qualified medical practitioner or sanitary inspector authorized by the Provincial Board shall have the same authority as a medical officer of health under this section. 2 Geo. V. c. 58, s. 62.

Removal of persons from unsanitary dwellings.

63. When any communicable disease is reported or discovered in a dwelling house or out-house occupied as a dwelling, and such house or out-house is in a filthy and neglected state, the medical officer of health may, at the expense of the corporation of the municipality, compel the inhabitants of such dwelling house or out-house to remove therefrom, and may place them in sheds or tents, or other proper shelter, in some more suitable situation, until measures can be taken, under the direction and at the expense of the municipal corporation, for the immediate cleansing, ventilation, purification and disinfection of such dwelling-house or out-house. 2 Geo. V. c. 58, s. 63.

Patients and nurses. Precautions as to disinfection.

64. No person recovering from any communicable disease, to which this section is by the Regulations made applicable, and no nurse who has been in attendance on any such person, shall leave the premises or expose himself in any public place, street, shop, inn or public conveyance until he has received from the medical officer of health a certificate that in his

opinion such person or nurse has taken such precautions as to his person, clothing and all other things which he proposes to bring from the premises as are necessary to insure the immunity from infection of other persons with whom such person or nurse may come in contact. 2 Geo. V. c. 58, s. 64.

65. Every such person and nurse shall adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things which have been exposed to infection, such measures as may be prescribed by the Regulations or by the medical officer of health. 2 Geo. V. c. 56, s. 65.

Measures prescribed by Provincial Board.

66. No person suffering from or having recently recovered from any communicable disease, to which this section is by the Regulations made applicable, shall mingle with the general public, and no person having access to any such person, except the attending physician and clergyman, shall do so, until such sanitary precautions as may be prescribed by the medical officer of health have been complied with. 2 Geo. V. c. 58, s. 66.

Sanitary precautions before mingling with public.

67.—(1) No person suffering from, or having recently recovered from any communicable disease, to which this section is by the Regulations made applicable, shall expose himself, nor shall any person expose any one under his charge, who is so suffering from any such disease, in any railway car, street railway car, steamboat, vessel, stage or other conveyance, without having previously notified the owner or person in charge of such conveyance of the fact of his having such disease.

Notice to be given before using public conveyance.

(2) The owner or person in charge of any such conveyance shall not, after the entry of any infected person into his conveyance, allow any other person to enter it, without having sufficiently disinfected it under the direction of the medical officer of health or sanitary inspector. 2 Geo. V. c. 58, s. 67.

Conveyance to be disinfected.

68. No person shall give, lend, transmit, sell or expose any bedding, clothing, or other article likely to convey any communicable disease, without having first taken such precautions as the medical officer of health may direct for removing all danger of communicating such disease to others. 2 Geo. V. c. 58, s. 68.

Bedding, clothing, etc.

69. No person shall let or hire, or permit to be occupied, any house or room in a house in which any communicable disease has recently existed without having caused the house and premises used in connection therewith to be disinfected to the satisfaction of the medical officer of health, and, for the purposes of this section, the keeper of an inn or house for the reception of lodgers shall be deemed to let for hire

Disinfection of houses, etc.

part of a house to any person admitted as a guest into such inn or house. 2 Geo. V. c. 58, s. 69.

False statements of persons renting or showing houses.

70. No person letting for hire, or showing for the purpose of letting for hire any house or part of a house, on being questioned by any person, negotiating for the hire of such house, or part of a house, as to the fact of there previously having been therein any person, animal or thing suffering from or liable to be infected by any communicable disease, shall knowingly make a false answer to such question. 2 Geo. V. c. 58, s. 70.

Transportation of infected persons.

71.—(1) No common carrier shall knowingly accept for transportation or carry within Ontario, except under and subject to the Regulations, any person suffering from any communicable disease, to which this section is by the regulations made applicable, or any infected article or articles of clothing, bedding or other property whatsoever.

Corpses.

(2) No carrier shall knowingly accept for transportation or carry within Ontario the body of any person who has died of any communicable disease, except under and subject to the Regulations.

(3) Every person contravening the provisions of subsection 1 or of subsection 2 shall incur a penalty of \$100. 2 Geo. V. c. 58, s. 71.

School attendance from houses in which communicable disease exists.

72.—(1) Whenever a communicable disease exists in any house or household in which there is a person who is a student or pupil in, or a teacher, or other person employed in any capacity in or about a university, college, school or other institution of learning, the householder shall, within twelve hours after the time such disease is known to exist, notify the principal, superintendent, head teacher or other person in charge of such institution, and also the medical officer of health, of the existence of such disease; and the person suffering therefrom shall not attend or be employed at such institution until a certificate has been obtained from the medical officer of health that he may safely do so.

Duty of local board and teacher.

(2) Whenever a local board of health, or any of its officers or members, are aware of the existence in any house of any communicable disease, they shall at once notify the principal, superintendent, head teacher or other person in charge of any university, college, school or other institution of learning at which any member of the household is in attendance, either as a student or pupil, or in or about which he is employed as a teacher, or in any other capacity, and none of such last mentioned persons shall after such notice be permitted to attend, or be employed or be in or about such institution, until the certificate mentioned in subsection 1 is obtained and presented.

(3) Whenever a professor, lecturer, instructor or teacher in any such institution of learning has reason to suspect that any other professor, lecturer, instructor or teacher in, or any student or pupil of, or any person employed in or about, such institution, is suffering from a communicable disease, or that there exists in any household of which he is a member any communicable disease, such first mentioned person shall notify the medical officer of health thereof, and shall not permit the attendance of the person suffering from such disease if under his direction or control until the medical officer of health certifies that such attendance may be safely allowed.

Teacher to give notice of cases in homes of pupils.

(4) No student or pupil having suffered from a communicable disease shall be allowed to attend any such institution of learning within the minimum period prescribed by the Regulations.

Pupil not to attend within minimum time fixed by regulations.

(5) Whenever a communicable disease exists in any boarding school or other institution in which pupils are received for tuition, and boarded or lodged, the head of the institution, or the person in charge thereof, shall immediately isolate the person suffering from such disease and any person in attendance upon him, and, within twelve hours after the disease is known to exist, shall notify the medical officer of health, and shall not permit the person so suffering or any person in attendance upon him to mingle with the other pupils or inmates of the institution until the medical officer of health has certified that he may safely do so. 2 Geo. V. c. 58, s. 72.

Boarding schools.

NUISANCES.

Removal, Abatement, etc.

73. Any condition existing in any locality which is or may become injurious or dangerous to health or prevent or hinder in any manner the suppression of disease shall be deemed a nuisance within the meaning of this Act. 2 Geo. V. c. 58, s. 73.

Nuisances, what to be deemed.

74. Without restricting the general application of the next preceding section and for greater particularity it is declared that the following shall be deemed nuisances within the meaning of this Act:

Particular nuisances.

- (a) Any premises or part thereof so constructed or in such a state as to be injurious or dangerous to health;
- (b) Any street, pool, ditch, gutter, water-course, sink, cistern, water or earth closet, privy, urinal, cess-pool, drain, dung pit or ash pit, so foul or in such a state, or so situated as to be injurious or dangerous to health;

Premises in dangerous condition.

Streets, pits, etc., in dangerous condition.

Water supply.

- (c) Any well, spring or other water supply injurious or dangerous to health;

Stables, byres, etc.

- (d) Any stable, byre or other building in which animals are kept in such a manner or in such numbers as to be injurious or dangerous to health;

Accumulations of refuse.

- (e) Any accumulation or deposit of refuse, wherever situate, which is injurious or dangerous to health;

Offensive matter contained in uncovered trucks or waggons.

- (f) Any deposit of offensive matter, refuse, offal or manure contained in uncovered trucks or waggons at any station or siding or elsewhere so as to be injurious or dangerous to health;

Works situated so as to be dangerous.

- (g) Any work, manufactory, trade or business so situated as to be injurious or dangerous to health;

Overcrowded houses.

- (h) Any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates or in which insufficient airspace is allowed for each inmate to comply with the Regulations;

Draughts or ventilation in or around school and factories.

- (i) Any school house, public or private, factory, shop or other building, which is not in a cleanly state or free from effluvia arising from any drain, privy, water or earth closet, urinal or other nuisance; or is not ventilated in such a manner as to render harmless so far as practicable any gases, vapours, dust or other impurities generated therein which are injurious or dangerous to health, or is so overcrowded as to be injurious or dangerous to the health of those employed or being therein;

Smoke from furnaces.

- (j) Any fireplace or furnace the fires of which do not, so far as practicable, consume the smoke arising from the combustible matter used therein for working engines, or used in any mill, factory, dye-house, brewery, bakehouse or gas works, or in any manufacturing or trade process whatever;

From chimneys.

- (k) Any chimney emitting smoke in such quantity as to be injurious or dangerous to health;

Offensive or burying grounds.

- (l) Any burial ground, cemetery or other place of sepulture so located or so crowded or otherwise so arranged or managed as to be offensive or injurious or dangerous to health. 2 Geo. V. c. 58, s. 74.

Inspection of municipalities.

75. Every medical officer of health shall see that the municipality or locality for which he is appointed is regularly inspected in order to prevent nuisances or to abate any existing nuisance. 2 Geo. V. c. 58, s. 75.

76. The medical officer of health or the sanitary inspector of a municipality or a member of a local board may, in the day time, as often as he thinks necessary, enter into and upon and examine any premises, and if upon such examination he finds that the premises are in a filthy or unclean state, or that any matter or thing is there which, in his opinion, may endanger the public health, he may order the owner or occupant of the premises to cleanse the same and to remove or destroy what is so found therein. 2 Geo. V. c. 58, s. 76.

Examination
of premises
and order for
cleansing.

77. Where the owner of any premises wherein a nuisance exists is unknown or does not reside in the municipality, and the premises are unoccupied or the occupant is unable to remove the nuisance, the medical officer of health or the local board may, without previous notice, immediately cause the nuisance to be abated. 2 Geo. V. c. 58, s. 77.

Where owner
unknown or
non-resident.

78. Where under the provisions of this Act, or of the Regulations, or of any municipal by-law, a local board or any medical officer of health or sanitary inspector removes anything which is likely to be injurious to or to become or cause or is a nuisance, such thing shall be subject to the disposition of the local board, or, if the officer is acting under a by-law of a municipal council, shall be subject to the disposition of the council, and the owner of such thing shall have no claim in respect thereof. 2 Geo. V. c. 58, s. 78.

Disposition
of articles
removed.

Owner to
have no
claims.

79.—(1) Wherever the local board of health or medical officer of health is satisfied of the existence of a nuisance, the medical officer of health shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance exists or from which the same arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose.

Service of
Notice requir-
ing abatement
of nuisance.

(2) Where the nuisance arises from the want or the defective construction of any structural convenience, or where there is no occupier of the premises, notice shall be served on the owner.

Service on
owner when
required.

(3) Where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act or default of the owner or occupier of the premises, and it is therefore improper that such owner or occupier should be required to abate it, the local board shall abate the nuisance at the expense of the corporation of the municipality. 2 Geo. V. c. 58, s. 79.

Where owner
and occupant
not in fault.

80. Where a nuisance appears to be wholly or partially caused by some act or default committed or taking place without the municipality, the local board of the municipality

Where cause
of nuisance
out of muni-
cipality.

affected thereby shall cause an inspection to be made, and when necessary shall take or cause to be taken against the person by whose act or default the nuisance is caused in whole or in part any proceedings in relation to nuisances by this Act authorized with the same incidents and consequences as if such act or default were committed or took place wholly within its jurisdiction. 2 Geo. V. c. 58, s. 80.

Where consideration of difficulty involved.

81.—(1) If, on investigation by the local board, any nuisance is found to exist, and if after the board has required the removal or abatement of the same within a specified time, the board finds that default in removal or abatement has been made, and the case appears to the local board to involve the expenditure or loss of a considerable sum of money, or serious interference with any trade or industry, or other considerations of difficulty, the Provincial Board at the request of the local board may investigate and report upon the case.

Application to Judge of Supreme Court.

(2) If the report of the Provincial Board recommends the removal or abatement of the nuisance, the local board or any ratepayer residing in the municipality, or within a mile thereof, may apply to a Judge of the Supreme Court for an order for the removal or abatement of the nuisance, and to restrain the proprietors of any such industry from carrying on the same until the nuisance has been abated to the satisfaction of the Provincial Board; and the Judge may make such order upon the report of the Provincial Board or upon such further evidence as he may deem meet.

Application of Rev. Stat. c. 79.

(3) *The Judges' Orders Enforcement Act* shall apply to every order made by a Judge under this section. 2 Geo. V. c. 58, s. 81.

Expenses in Respect of Abatement of Nuisance.

Where owner or occupier neglects to abate.

82.—(1) Where the owner or occupier of any premises in which a nuisance exists fails, after due notice, to abate the same, the medical officer of health or sanitary inspector may enter upon the premises and take such steps as may be necessary to abate the nuisance.

Recovery of expenses.

(2) All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use and at the request of the person by whose act, default or suffering the nuisance was caused, but shall be recoverable from both the owner and the occupier for the time being of the premises.

Collection of expenses as taxes.

(3) If the costs and expenses incurred in abating the nuisance are not paid by the owner or occupier within one month after a demand of payment, a statement of the amount of the costs and expenses, and of the person by whom and the premises in respect of which the same are payable, shall be

delivered to the clerk of the municipality who shall insert the amount in the collector's roll, and the same may be collected in like manner as municipal taxes.

(4) The occupier for the time being of the premises may deduct any money recovered or collected from him which, as between him and the owner, the latter ought to pay, out of the rent then due or from time to time becoming due in respect of the premises. Occupier's right to deduct payment from rent.

(5) An occupier shall not be required to pay any further sum than the amount of rent for the time being due from him, or which, after demand of such costs or expenses, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses truly to disclose the amount of his rent and the name and address of the person to whom it is payable; and the burden of proof that the sum demanded from such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall be on such occupier. 2 Geo. V. c. 58, s. 82. Limit of amount recoverable from occupier.

When Application to Supreme Court Necessary.

83.—(1) No determination or order of the Provincial Board or of a local board for the removal or abatement of a nuisance shall be enforced except by order of a Judge of the Supreme Court where such removal or abatement involves the loss or destruction of property to the value of \$2,000 or upwards. Where application in respect of nuisance must be to Supreme Court.

(2) The order may be made upon the application of the Provincial Board or of the local board. 2 Geo. V. c. 58, s. 83. Application for order.

OFFENSIVE TRADES.

84.—(1) Any person who without the consent of the local board or of the municipal council establishes any of the following trades or businesses or manufactures— Restriction on establishment of offensive trades.

Blood boiling,
 Bone boiling,
 Refining coal oil,
 Extracting oil from fish,
 Storing hides,
 Soap boiling,
 Tallow melting,
 Tripe boiling,
 Slaughtering animals,
 Tanning hides or skins,
 Manufacturing gas,
 Manufacturing glue,
 Fertilizers from dead animals, from human or animal waste, or

Any other trade, business or manufacture, which is or may become offensive, or which is by the Regulations declared to be a noxious or offensive trade, business or manufacture

Penalty. shall incur a penalty of not less than \$100 nor more than \$250, in respect of the establishment thereof, and a penalty of not less than \$20 for every day on which after notice in writing by the local board, or an officer thereof, to desist, such business, trade or manufacture is carried on, whether there has or has not been any conviction in respect of the establishment thereof. 2 Geo. V. c. 58, s. 84.

Storing rags, bones, etc. 85. Any person who keeps or stores any rags, bones, junk, bottles, scrap iron or other metals, or other refuse within any municipality, except on premises approved of by the medical officer of health, shall incur a penalty of not less than \$10 nor more than \$50, and the continuance of the offence for each week after conviction shall be considered a separate offence. 2 Geo. V. c. 58, s. 85.

Penalty.

INSPECTION OF LODGING HOUSES, LAUNDRIES, ETC.

Medical Officer of Health may enter and examine lodging houses, tenements and laundries. 86.—(1) The medical officer of health or any sanitary inspector acting under his instructions may, at any time of the day or night, as often as he thinks necessary, enter into a lodging house, tenement where rooms are rented, or a laundry where the owner or employees reside upon the premises, or other building where he has reason to suspect that the same are overcrowded or occupied by more persons than is reasonably safe for the health of the occupants.

When found overcrowded or unsanitary. (2) If upon such examination it is found that the premises are occupied by more persons than is reasonably safe for the health of the occupants, and that the sleeping rooms are such that 600 cubic feet of air space cannot be provided for each occupant, or that the rooms or premises occupied by them are in a filthy or unclean state, or that any matter or thing is there which, in the opinion of the medical officer of health, founded on his own inspection or on the report of the sanitary inspector, may endanger the public health or the health of the occupants, the medical officer of health may order the owner or occupant to remove the inmates from the premises, or to remove that which causes the premises to be filthy or unclean, and put the rooms in a condition fit for human habitation. 2 Geo. V. c. 58, s. 86; 3-4 Geo. V. c. 55, s. 2.

Placarding premises.

87. Where, in the opinion of the medical officer of health, any premises are so situated, so constructed or so improperly situated or in any other respect of such a character or in such a condition as to be unfit for human habitation or dangerous to health, he may cause such premises to be closed, and may affix a notice thereon in a prominent place

setting forth the reason for such closing, and that the premises are closed by order of the medical officer of health; and no person shall pull down or deface such notice or use the premises closed as a dwelling or cause the same to be so used. 2 Geo. V. c. 58, s. 87.

INSPECTION OF DAIRIES, CHEESE FACTORIES, DAIRY FARMS, ETC.

88. The medical officer of health may make or cause to be made by a veterinary surgeon or other competent person a periodical inspection of all dairies, cheese factories, and creameries, dairy farms and slaughter-houses, and if upon such examination he finds that the premises are in a filthy or unclean state, or that any matter or thing is there which, in his opinion, may be injurious to or endanger the public health, he may order the owner or occupant of the premises to cleanse the same or to remove any such matter or thing. 2 Geo. V. c. 58, s. 88.

Inspection of dairies, etc., and slaughter-houses.
Power to order cleansing.

INSTALLATION OF PUBLIC WATER SUPPLY.

89.—(1) Whenever the council of any municipality or any municipal board or commission or any company or person contemplates the establishment of, or the extension of, or any change in an existing waterworks system, they shall submit the plans, specifications and an engineer's report of the water supply and the works to be undertaken, together with such other information as may be deemed necessary to the Provincial Board, and no such works shall be undertaken or proceeded with until the source of supply and the proposed works have been approved by the Board.

Plans to be submitted to Provincial Board.

(2) The Board upon the application for such approval, may direct such changes to be made in the source of supply or in the plans submitted as it may deem necessary in the public interest 2 Geo. V. c. 58, s. 89.

Board may direct change in plans.

90. The Provincial Board shall have the general supervision of all springs, wells, ponds, lakes, streams or rivers used as a source for a public water supply with reference to their purity, together with the waters feeding the same, and shall examine the same from time to time when the necessity for such examination arises, and inquire what, if any, pollution exists and the causes thereof. 2 Geo. V. c. 58, s. 90.

Provincial Board to have supervision of streams, etc.

91.—(1) No garbage, excreta, manure, vegetable or animal matter or filth shall be discharged into or be deposited in any of the lakes, rivers, streams or other waters in Ontario or on the shores or banks thereof.

Depositing filth, etc., in Provincial waters.

(2) The owners and officers of boats and other vessels plying upon any such lake, river, stream or other water shall so dispose of the garbage, excreta, manure, vegetable

Disposal of offensive matter on boats.

or animal matter or filth upon such boats or vessels as not to create a nuisance or enter or pollute such lake, river, stream or other water.

Residents of
summer
resorts.

(3) Residents of a health resort or summer resort shall so dispose of garbage, excreta, manure, vegetable or animal matter or filth as not to create a nuisance or permit of its gaining entrance to or polluting any such lake, river, stream or other water.

Penalty.

(4) Any person who contravenes any of the provisions of this section shall incur a penalty not exceeding \$100. 2 Geo. V. c. 58, s. 91.

Returns
from water-
works.

92. Water boards, water companies, water commissioners and the proper officers of any municipal corporation making use as a source of water supply of any well or any other source within or partly within Ontario, and distributing the waters thereof for public, domestic or general uses, shall, from time to time, and whenever required by the Provincial Board, make returns to the Board upon forms to be furnished by it of such matters as may be required by the Board and called for by such forms, and any such water board, water company, water commissioner or officer who shall, for the space of thirty days after being furnished with such forms, fail or neglect to make any such reports required shall incur a penalty of \$100. 2 Geo. V. c. 58, s. 92.

Polluting
water supply.

93.—(1) No sewage, drainage, domestic or factory refuse, excremental or other polluting matter of any kind, which, either by itself or in connection with other matter, corrupts or impairs or may corrupt or impair the quality of the water of any source of public water supply for domestic use in any municipality, or which renders or may render such water injurious to health, shall be placed in or discharged into the waters, or placed or deposited upon the ice of any such source of water supply, or be placed or suffered to remain upon the bank or shore of any such source of water supply near the place from which the supply of water for domestic use is obtained, nor within such distance thereof as may be considered unsafe by the Provincial Board, after an examination thereof by a member or officer of the Board.

Penalty.

(2) Every person who contravenes any of the provisions of subsection 1 shall incur a penalty of not more than \$100 for each offence, and each week's continuance after notice by the Provincial Board or local board to discontinue the offence shall constitute a separate offence. 2 Geo. V. c. 58, s. 93.

SEWERAGE SYSTEM AND SEWAGE.

Sewerage
system.
Plans to be
submitted.

94.—(1) Whenever the construction of a common sewer or of a system of sewerage, or an extension of the same, is

contemplated by the council of any municipality, the council shall first submit the plans and specifications of the work together with such other information as may be deemed necessary by the Provincial Board, for its approval.

(2) The Board shall inquire into and report upon such sewer or system of sewerage, as to whether the same is calculated to meet the sanitary requirements of the inhabitants of the municipality, and as to whether such sewer or system of sewerage is likely to prove prejudicial to the health of the inhabitants of the municipality or of any other municipality liable to be affected thereby.

Board to inquire and report.

(3) The Board may make any suggestion or amendment of the plans and specifications or may impose any condition with regard to the construction of such sewer or system of sewerage or the disposal of sewage therefrom as may be deemed necessary or advisable in the public interest.

Amendment of plans at instance of Board.

(4) The construction of any common sewer or system of sewerage shall not be proceeded with until reported upon and approved by the Board, and no change in the construction thereof or in the disposal of sewage therefrom shall be made without the previous approval of the Board.

Work not to be proceeded with until approved by Board.

(5) The Board may from time to time modify or alter the terms and conditions as to the disposal of sewage imposed by it, and the report or decision of the Board shall be final, and it shall be the duty of the municipal corporation and the officers thereof to give effect thereto.

Modification, etc., of order.

(6) Whenever required by the Board, the clerk of every municipal corporation having, using, owning, leasing or controlling a sewerage system or sewage disposal plant shall make returns to the Board upon forms to be furnished by it of such matters as may be required by the Board and called for by such forms, and in case of default the clerk shall incur a penalty of \$100. 2 Geo. V. c. 58, s. 94.

Annual report to be sent to Provincial Board.

BY-LAWS FOR BORROWING FOR WATERWORKS AND SEWERAGE.

95.—(1) No by-law shall be passed for raising money for any of the purposes mentioned in sections 89 and 94 until the proposed water supply or sewerage system, as the case may be, has been approved by the Provincial Board of Health, and such approval has been certified under the hand of the chairman and secretary of the Board.

By-law for issue of debentures not to be passed until approval of Board.

(2) The by-law shall recite the approval of the Board.

2 Geo. V. c. 58, s. 95.

By-law to recite approval.

96.—(1) Where the Provincial Board reports in writing that it is of opinion that it is necessary in the interest of the public health that a waterworks system or an adequate water purification plant, or a sewer or a sewerage system, or an

Assent of electors not required.

adequate sewage treatment plant should be established or continued, or that any existing waterworks system, water purification plant, sewer or sewerage system, or sewage treatment plant should be improved, extended, enlarged, altered, renewed or replaced, it shall not be necessary to obtain the assent of the electors to any by-law for incurring a debt for any of such purposes.

Council on report of Provincial Board to pass by-laws and carry out works.

(2) Where the Provincial Board has reported as provided by subsection 1, the council of a municipality shall forthwith pass all necessary by-laws for the establishment of the works reported upon and the corporation of the municipality shall immediately commence the work and carry the same to completion without unnecessary delay. 3-4 Geo. V. c. 55, s. 3.

By-law not to be passed until approved.

(3) The by-law shall not be finally passed until the approval of the Board has been obtained to the work to be done as hereinbefore provided, and shall recite such approval. 2 Geo. V. c. 58, s. 96 (2).

Repairs and renewals, etc., powers of Provincial Board.

97. Every waterworks system, water purification plant, sewer or sewerage system and sewage treatment plant established for public use shall at all times be maintained and kept in repair as may be necessary for the protection of the public health and as may be directed by any special order of the Provincial Board or by the Regulations. 3-4 Geo. V. c. 55, s. 4, *part*.

Penalty.

98. Any municipal corporation or body or person refusing or neglecting to carry out the provisions of either of the two next preceding sections, after notice from the Provincial Board so to do, shall incur a penalty of \$100 for every day upon which such default continues. 3-4 Geo. V. c. 55, s. 4, *part*.

ICE SUPPLIES.

Regulation of ice supply by local board.

99.—(1) The local board of a municipality in which supplies of ice are obtained, sold and stored may adopt such regulations regarding the source of supply and the place of storage of the same as are, in its opinion, best adapted to secure the purity of the ice and prevent injury to the public health, and for the supervision of ice supplies, whether obtained within or without the municipality, whenever the ice is intended for use within the municipality in which the board has jurisdiction.

Permit for cutting ice.

(2) No ice shall be cut from any lake, river, stream, pond, or other water for the purpose of being sold, or used for domestic purposes unless a permit therefor has been first obtained from the local board, and no person shall sell or deliver or dispose of in any way any ice for domestic purposes without first obtaining a permit therefor from the local board, and the local board may refuse a permit, or

revoke any granted by it, when in their judgment the use of any ice cut or sold or to be cut or sold for domestic purposes under the same is or would be detrimental to the public health.

(3) Every local board shall enforce the Regulations of the Provincial Board, and may prohibit the sale and use of any ice within the limits of the municipality, when, in its judgment, the same is unfit for use or the use of it would be detrimental to the public health. Local board to enforce regulations.

(4) The local board may prohibit, and, through its officers, prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of the municipality, and may in the same manner prevent the sale of any such ice for domestic purposes within the limits of the municipality, when, in its judgment, the ice is unfit for use, or the use of it would be detrimental to the public health. Prohibiting distribution in municipality.
2 Geo. V. c. 58, s. 98.

INSPECTION OF ANIMALS, MEAT, ETC.

100.—(1) A medical officer of health or sanitary inspector may at all reasonable times inspect or examine any animal, carcass, meat, poultry,, game, flesh, fish, fruit, vegetables, grain, bread, flour, milk or other article exposed for sale or deposited in any place for the purpose of sale, or for preparation for sale, and intended for food for man; and if such article appears to him to be diseased, or unsound or unwholesome, or unfit for food for man, he may seize and carry away the same, or cause it to be seized and carried away, in order that it may be destroyed or so disposed of as to prevent it from being exposed for sale or used as food for man. Inspection of food supplies.

(2) The person to whom the same belongs, or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall incur a penalty of not less than \$10 nor more than \$100 for every such article unless he proves that he did not know and had no means of knowing the condition of such article. Penalty.

(3) Where it is charged upon any prosecution under this section that any animal, or the meat or milk of any animal, is affected with any disease named in section 2 of *The Animal Contagious Diseases Act of Canada*, or with wens, clyers, actinomycosis or osteosarcoma, or any disease of a cancerous nature, the medical officer of health may make, or cause to be made, or request the Provincial Board to make, such scientific examination of the animal, meat or milk suspected of being diseased as may enable it to be determined whether or not such disease exists; and the Minister may instruct the Chief Officer of Health to make such examination or cause the same to be made. Scientific examination where existence of certain diseases charged. R.S.C., 1906, c. 75.

Expenses
and fee on
examination.

(4) The expenses of such examination, together with a fee not exceeding \$10, shall be certified by the Chief Officer of Health, and shall be payable by the treasurer of the municipality in which such animal, meat or milk is found.

Onus of
proof.

(5) In any prosecution under this section the burden of proof that any article in respect of which the charge is laid is not kept for sale or intended for food for man shall be upon the person charged. 2 Geo. V. c. 58, s. 99.

Feeding cer-
tain things
to hogs.

101.—(1) Whenever any medical officer of health or sanitary inspector knows or has reason to believe that blood, offal or the meat of any dead animal which has not been previously boiled or steamed when fresh or before becoming putrid or decomposed, or which, although boiled or steamed, is putrid or decomposed, has been or is being fed to hogs, he may seize and carry away the hogs, whether dead or alive, or otherwise detain them so as to prevent their removal.

Penalty.

(2) The owner, or person in charge of, or any person found feeding any such blood, offal or meat to hogs shall incur a penalty of not less than \$5 nor more than \$50, and upon his conviction the medical officer of health shall order the hogs, whether dead or alive, to be destroyed or so disposed of as to prevent them from being exposed for sale or used for food for man.

Onus of
proof.

(3) In every prosecution under this section, where it is proved that such blood, offal or decomposed meat was found upon the premises, the burden of proof that the same was not intended to be fed to hogs shall be upon the person charged. 2 Geo. V. c. 58, s. 100.

Inspection
of slaughter
houses.

102.—(1) Every butcher and other person selling meat shall on the request of the medical officer of health make affidavit as to the place at which the slaughter of his meat is carried on, and where it is without the limits of the municipality such place shall be open to inspection by the medical officer of health or by an inspector appointed by the council of the municipality in which the meat is offered for sale.

Notice to
discontinue
sale.

(2) In case of the refusal or neglect to make such affidavit or permit such inspection, the local board may give notice in writing to the butcher or other person to discontinue the sale of meat in the municipality.

Penalty.

(3) If after receiving such notice the butcher or other person sells or offers for sale any meat in the municipality he shall incur a penalty not exceeding \$20. 2 Geo. V. c. 58, s. 101.

Killing or
selling calves
under four
weeks old.

103.—(1) Any person who knowingly sells, or has in his possession with intent to sell as food for man, the meat of any calf less than four weeks old shall incur a penalty of not less than \$10 nor more than \$50.

(2) In every prosecution under this section, where it is proved that the meat of any calf less than four weeks old was found upon the premises, the burden of proof that the same was not intended as food for man shall be upon the person charged. 2 Geo. V. c. 58, s. 102.

Burden of proof.

MUNICIPAL SLAUGHTER HOUSES, ABATTOIRS, ETC.

104.—(1) The municipal council of a city or town may by by-law provide for the establishment, within the municipality, or in an adjoining municipality, the council of which has by by-law sanctioned its establishment therein, of a public slaughter-house or abattoir with proper cattle-yards and pens in connection therewith for the proper keeping therein of animals intended for slaughter, and for charging fees for the use thereof.

By-laws for establishing slaughter-houses, cattle-yards or pens.

(2) Every such slaughter-house or abattoir, and cattle-yard and pen, shall be constructed, equipped and regulated in conformity with the Regulations. 2 Geo. V. c. 58, s. 103.

Regulation of slaughter-houses, etc.

105.— The local board of the city or town by which the slaughter-house or abattoir, cattle-yards or pens are established shall have the supervision of them, and shall be responsible for the due carrying out of the Regulations, and the costs of the supervision and inspection shall be paid from time to time by the treasurer of the city or town out of the fees charged, on the order of the local board of health. 2 Geo. V. c. 58, s. 104.

Local board of health to have control.

106. Such local board may employ one or more persons, approved of by the medical officer of health, to inspect at such slaughter-house or abattoir, or at such cattle-yards or pens, all animals, carcasses and meat brought into the municipality and intended for food for man. 2 Geo. V. c. 58, s. 105.

Competent persons employed for inspecting animals and meat.

107. Any meat-packing establishment shall be subject to inspection in the same manner as a municipal slaughter-house or abattoir. 2 Geo. V. c. 58, s. 106.

Inspection of meat-packing establishments.

USE OF FORCE—ASSISTANCE BY CONSTABLES, ETC.

108. Any person who obstructs, hinders, or delays or prevents the Provincial Board or Chief Officer of Health or other officer of the Board, or any local board, or a member thereof, medical officer of health or sanitary inspector, or any person employed by or acting under the direction of any of them in the exercise of any of the powers conferred, or performance of any of the duties imposed upon them by this Act or by the Regulations, or in carrying out any order lawfully given by them, shall incur a penalty of not less than \$25 nor more than \$100. 2 Geo. V. c. 58, s. 107.

Penalty for hindering officers from inspecting meat, etc.

Calling for
assistance of
constables,
etc.

109. Whenever a local board or a member thereof, medical officer of health or sanitary inspector is required or empowered by this or any other Act or by the Regulations or by a municipal by-law to do or to prevent or to direct or enforce the doing of anything, such board or member or officer or inspector may use such force and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any constable or other person, and it shall be the duty of every constable so called upon to render such assistance. 2 Geo. V. c. 58, s. 108.

PENALTIES AND RECOVERY THEREOF.

Penalties.

Communi-
cable
diseases.

110.—(1) Any person who contravenes any of the provisions of sections 53 to 72 for which no other penalty is provided shall incur a penalty of not less than \$25 nor more than \$100.

Other
offences.

(2) Any person who contravenes any other provision of this Act or of the Regulations or of any municipal by-law passed under this Act, or wilfully disobeys or neglects to carry out any order or direction lawfully given by the Provincial Board, a local board, member of a local board, medical officer of health or sanitary inspector unless it is otherwise provided shall incur a penalty of not less than \$5 nor more than \$20.

Continuance
of offence.

(3) Where any person has been convicted of an offence under this Act or under any Regulation or by-law enacted or in force thereunder, and such offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance, or other unsanitary condition, which it is such person's duty to remove, or of the erection or construction of anything contrary to the provisions of this Act, or of any Regulation or by-law enacted or in force thereunder, then, if the proper authority in that behalf gives reasonable notice to such person to make good such omission or neglect, or to remove such nuisance or unsanitary condition, or to remove the thing which has been erected or constructed contrary to this Act or to such Regulation or by-law, and default is made in respect thereof, the person offending may be convicted for such default, and shall be liable to the same punishment as was or might have been imposed for the original offence, and so on, from time to time, as often as after another conviction a new notice is given and the default continues: and in case of a third or subsequent conviction, it shall not be necessary in the information, conviction or other proceedings to make any reference to any conviction except the first, or to any notice except that in respect of which the proceedings are then being taken. 2 Geo. V. c. 58, s. 109.

Recovery of
penalties.
Rev. Stat. c. 90.

111. Penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convic-*

tions Act before a police magistrate or two justices of the peace. 2 Geo. V. c. 58, s. 110.

112.—(1) Every penalty recovered under this Act where the prosecution is by or at the instance of the corporation of a municipality, or the local board, or the medical officer of health or other health officers of the municipality shall be paid to the treasurer of the municipality in which the offence was committed for the use of the local board of health. Application of penalties.

(2) Where the prosecution is at the instance of the Provincial Board or of any Provincial officer or where the offence was committed in territory without municipal organization the penalty shall be paid to the Treasurer of Ontario. Offences in unorganized territory. 2 Geo. V. c. 58, s. 111.

113. Where any act or omission is a violation of any express provision of this Act and is also a violation of a by-law of a municipality in respect of a matter over which the council of the municipality has jurisdiction, a conviction may be had under either the Act or the by-law, but a conviction shall not be made under both for the same act or omission. Where offence is against Act and by-law. 2 Geo. V. c. 58, s. 112.

ALL PROCEEDINGS BARRED BY POVERTY, ETC.

114. Where any person who is unable from poverty or other sufficient cause to comply with any of the provisions of this Act, or of the Regulations, gives notice of such inability to the medical officer of health, and the local board on examination is satisfied of such inability, the secretary thereof shall give his certificate to that effect, and such certificate shall be a bar to all proceedings against such person for a period of six months. Certificate of poverty or inability a bar to prosecution. 2 Geo. V. c. 58, s. 113.

STATUTORY BY-LAW.

115.—(1) The by-law set out in Schedule B, hereinafter called the statutory by-law, and every amendment thereof, shall be in force in every municipality as if enacted by the council thereof, and the council of every municipality shall have authority to pass by-laws with the approval of the Provincial Board for making additional requirements in respect to any of the matters dealt with by the statutory by-law. Application of enactments in Schedule "B."

(2) The Board may permit the council of any municipality to amend the statutory by-law so as to conform to the requirements of the municipality or to meet such special circumstances as in the opinion of the Board may warrant such amendment. Amendment of by-law. 2 Geo. V. c. 58, s. 114.

POSTPONEMENT OF MUNICIPAL AND SCHOOL ELECTIONS.

116.—(1) Where the Provincial Board reports to the Lieutenant-Governor that on account of the prevalence in Postponement of election in case of epidemics.

any municipality of any communicable disease it would be dangerous to hold an election in such municipality, the Lieutenant-Governor in Council may, of his own motion, or upon the application of the council of the municipality, issue his proclamation postponing the holding of any intended municipal or school election for a period not exceeding three months, and may from time to time further postpone such election if, in the opinion of the Board, the necessity for postponement continues.

Fixing date
for holding
postponed
election.

(2) The Lieutenant-Governor may, by the proclamation, name the days for holding the nomination and polling, but, if no days are named therefor, the council shall as soon as practicable after the period named in such proclamation, or the last of such proclamations, expires, by by-law name the days for the nomination and polling. 2 Geo. V. c. 58, s. 115.

UNORGANIZED TERRITORY.

Application
of sections
117 to 122.

117. Sections 118 to 124 shall apply only to territory without municipal organization. 2 Geo. V. c. 58, s. 116.

Regulations.

118---(1) The Provincial Board of Health may, with the approval of the Lieutenant-Governor in Council, make Regulations:

- (a) Respecting any industry and the conditions under which the same may be carried on for the purpose of preventing nuisances and the outbreak or spread of disease;
- (b) For the cleansing, regulating and inspection of lumbering camps and of mining camps and railway construction works and of other places where labour is employed;
- (c) For providing for the inspection of houses and premises;
- (d) For providing for the employment of duly qualified medical practitioners by employers of labour in lumbering camps and in mining camps and on railway construction works and other works where labour is employed, and for the erection of permanent or temporary hospitals for the accommodation of persons so employed.

General or
local or
special.

(2) The Regulations may be general in their application or may be made applicable specially to any particular locality or industry.

Expenses.

(3) The expenses of carrying out the Regulations shall be paid to the person entitled thereto by the persons, firms or corporations whose duty it may be to carry out such regulations, and the amount so to be paid shall be apportioned by

the Minister among them as he may deem proper, and every amount so apportioned shall be deemed to be a debt due from the person, firm or corporation, and may be recovered by the person entitled thereto by action in any court of competent jurisdiction.

(4) If default is made in complying with any of the Regulations the Board may direct that what is omitted to be done shall be done at the expense of the person, firm or corporation in default, and if the default is the failure to employ a duly qualified medical practitioner, as provided by clause (d) of subsection 1, the employing person, firm or corporation shall be liable to pay the reasonable expenses incurred by any employee for medical attendance and medicines, and for his maintenance during his illness. 2 Geo. V. c. 58, s. 117.

Procedure on
default of
compliance

119. Every police magistrate shall be *ex officio* a medical officer of health in and for the district or part of a district for which he is appointed. 2 Geo. V. c. 58, s. 118.

Police magis-
trates to be
ex officio
health
officers.

120. Every constable shall be *ex officio* a sanitary inspector for the locality for which he is appointed. 2 Geo. V. c. 58, s. 119.

Constables
to be
ex officio
sanitary
inspectors.

121. The Superintendent of the Algonquin Park shall be *ex officio* a medical officer of health for the Park, and for the territory surrounding it for the distance of one mile therefrom or from any part thereof; and all the park rangers, whether employed temporarily or otherwise, shall be *ex officio* sanitary inspectors under this Act for the Park and such territory. 2 Geo. V. c. 58, s. 120.

Superinten-
dent and
officers in
Algonquin
Park.

122. The Lieutenant-Governor in Council may appoint medical officers of health; and every such officer shall within the locality for which he is appointed have all the powers and perform all the duties by this Act, or any other Act, conferred or imposed upon medical officers of health, or local boards of health, and shall also perform such other duties as the Lieutenant-Governor in Council may direct. 2 Geo. V. c. 58, s. 121.

Local officers
of health
specially
appointed.

123. The Provincial Board may also, with the approval of the Lieutenant-Governor in Council, appoint in any of the unorganized districts one or more sanitary inspectors, who shall possess, in addition to the powers conferred upon sanitary inspectors by this Act, all the powers conferred upon local boards of health by section 27. 2 Geo. V. c. 58, s. 122.

Sanitary
inspectors.

124. The medical officer of health and the sanitary inspectors shall be paid such salary or other remuneration as may be determined by the Lieutenant-Governor in Council out of the appropriation made by the Legislature for the purposes of the Provincial Board. 2 Geo. V. c. 58, s. 123.

In unor-
ganized
territory.

EXPENSES OF ENFORCEMENT OF ACT.

Expenses to be payable in first instance by Province.

125.—(1) The expenses incurred by the Provincial Board in the enforcement of this or any other Act or of the Regulations shall be payable in the first instance by the Treasurer of Ontario out of any money appropriated by this Legislature for the expenses of the Board, and in such manner and upon such certificate and after such audit as the Regulations may prescribe, anything in *The Audit Act* or any other Act to the contrary notwithstanding.

Rev. Stat. c. 23.

Payment on certificate of proper officer.

(2) Whenever an account is certified by the officer designated in the Regulations to be properly payable out of such appropriation, such certificate shall be final and the Provincial Auditor shall thereupon direct the issue of a cheque in payment of the account. 2 Geo. V. c. 58, s. 124.

PROCEEDINGS NOT TO BE QUASHED FOR WANT OF FORM, OR REMOVED INTO SUPREME COURT.

Proceedings not to be quashed for want of form or removed into Supreme Court.

126. No order or other proceeding, matter or thing, done or transacted in or relating to the execution of this Act shall be vacated, quashed or set aside for want of form, or be removed or removable by *certiorari* or otherwise into the Supreme Court. 2 Geo. V. c. 58, s. 125.

Existing regulations continued.

127. Except in so far as they are inconsistent with this Act all existing Regulations made under any of the Acts repealed by *The Public Health Act*, being chapter 58 of the Acts passed in the second year of His Majesty's reign, or under that Act are confirmed and declared to be legal, valid and binding and shall continue in force until altered or repealed by the Provincial Board with the approval of the Lieutenant-Governor in Council. 2 Geo. V. c. 58, s. 126.

SCHEDULE "A."

(Section 50 (2).)

PUBLIC HEALTH.

Take notice that by virtue of *The Public Health Act*, and the regulations made thereunder, possession has been taken (or obtained, as the case may be) of the following lands (or building, as the case may be) namely,

(Reasonable Description.)

and further take notice that such land (or building) will be occupied and used for the purposes of the said Act or regulations from and after the date hereof for a period of _____ or such other time as may in the discretion of the undersigned be necessary.

Dated, etc.

(Signature.)

SCHEDULE "B."

(Section 115.)

BY-LAW IN FORCE IN EVERY MUNICIPALITY UNTIL ALTERED BY
THE MUNICIPAL COUNCIL.

1. It shall be the duty of the Medical Officer of Health to assist and advise the Local Board of Health and its officers in matters relating to public health and to superintend, under the direction of the Board, the enforcement and observance, within this municipality, of health by-laws or regulations, and of Public Health Acts, and of any other sanitary laws, and to perform such other duties and lawful acts for the preservation of the public health as may, in his opinion, be necessary, or as may be required by the Local Board of Health. He shall also present to the Board, before the 15th day of November in each year, a full report upon the sanitary condition of the municipality. Duty of medical health officer.
2. The sanitary inspector, besides performing the duties imposed by this by-law, shall assist the medical officer of health and perform such other duties as may from time to time be assigned to him by the Local Board of Health or its chairman. Duty of Sanitary Inspector.
3. The chairman of the Local Board of Health shall, before the 1st day of December in each year, present to this Council a report containing a detailed statement of the work of the Board during the year, and the report of the sanitary condition of the municipality, as rendered to the Board by the Medical Officer of Health. A copy of each such report shall be transmitted by the secretary to the Provincial Board of Health. Chairman of Board of Health to report to Council.
4. No person shall within the municipality suffer the accumulation upon his premises, or deposit, or permit the deposit, upon any land belonging to him, of anything which may endanger the public health, or deposit upon, on, or into, any street, square, lane, by-way, wharf, dock, slip, lake, pond, bank, harbour, river, stream, sewer, or water, any manure or other refuse, or vegetable or animal matter, or other filth. Deposits endangering public health forbidden.
5. It shall be the duty of the sanitary inspector to keep a vigilant supervision over all streets, lanes, by-ways, lots, or premises upon which any such accumulation may be found, and at once to notify the persons who own or occupy such lots or premises, or who either personally or through their employees have deposited such manure, refuse, matter, or filth, in any street, lane, or by-way, to cleanse the same, and to remove what is found thereon; such persons shall forthwith remove the same, and if the same be not removed within twenty-four hours after such notification the inspector may prosecute the persons so offending, and he may also cause the same to be removed at the expense of the person or persons so offending. He shall also inspect at intervals, as directed by the Local Board of Health, all premises occupied by persons residing within the municipality, and shall report to the Board every violation of any of the provisions of this by-law, or of any other regulation for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection. Duty of Sanitary Inspector as to lands, etc.
6. Whenever it shall appear to the Local Board, or to any of its officers, that it is necessary for the preservation of the public health, or for the abatement of anything dangerous or injurious to the public health, or whenever a notice signed by one or more inhabitant householders of this municipality is received Examination of buildings or premises by Sanitary Inspectors.

stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health, or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cess-pool, ash-pit, or cellar, kept or constructed so as to be dangerous or injurious to the public health or that upon any such premises an accumulation of dung, manure, offal, filth, refuse, stagnant water, or other matter or thing is kept so as to be dangerous or injurious to the public health, it shall be the duty of the sanitary inspector to enter such building or premises for the purpose of examining the same, and, if necessary, he shall order the removal of such matter or thing. If the occupant or owner or his lawful agent or representative having charge or control of such building or premises, after having had twenty-four hours' notice from any such officer to remove or abate such matter or thing, shall neglect or refuse to remove or abate the same, he shall be subject to the penalties mentioned in section 33.

Notice to put premises in proper sanitary condition or to quit same.

7. If the Local Board is satisfied upon due examination that a cellar, room, tenement, or building within the municipality, occupied as a dwelling-place, has become by reason of the number of occupants, want of cleanliness, the existence therein of a communicable disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous or injurious to the health of the occupants, or of the public, the Board may give notice in writing to such occupants, or any of them, requiring the premises to be put in proper sanitary condition, or requiring the occupants to quit the premises within such time as the Board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending shall be liable to the penalties mentioned in section 33, and the Board may cause the premises to be properly cleansed at the expense of the owners or occupants, or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-place until put into proper sanitary condition.

Distance of slaughter-house, etc.

8. No person shall at any time use any house, shop or outhouse as a slaughter-house or as a place for slaughtering animals or fowls therein, unless such shop, house or outhouse is distant not less than two hundred yards from any dwelling-house, and not less than seventy yards from any public street.

Inspection of slaughter-house.

9. All slaughter-houses within this municipality shall be subject to inspection under the direction of the Local Board of Health; and no person shall keep any slaughter-house unless the permission in writing of the Board for the keeping of such slaughter-house has been first obtained, and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that the slaughter-house shall be so kept as not to impair the health of persons residing in its vicinity, and upon such condition being broken the permission may be revoked by the Board; and all animals to be slaughtered, and all fresh meat exposed for sale in this municipality shall be subject to like inspection.

Inspection of cow byres, cheese factories and creameries.

10. All milch cows, cow byres and dairies, and all places in which milk is sold or kept for general use, and all cheese-factories and creameries shall be subject to inspection under the direction of the Board; and the proprietors shall obtain permission in writing from the Board, to keep any such dairy or other place in which milk is so sold or kept, or to keep a cheese factory or creamery, and the same shall not be kept by any person without such permission, which shall be granted after approval of such premises upon inspection, subject to the

condition that all such places are so kept and conducted that the milk shall not contain any matter or thing liable to produce disease, either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other cause, and upon such condition being broken the said permission may be revoked by the Board.

11. No person shall offer for sale within this municipality, as food, any diseased animal, or any meat, fish, fruit, vegetables, milk, or other article of food which, by reason of disease, adulteration, impurity, or other cause is unfit for use. Sale of diseased food.

12. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of wholesome drinking water; and if any occupant of the house is not satisfied with the wholesomeness or sufficiency of such supply, he may apply to the Local Board of Health to determine as to the same; and if the supply is sufficient and wholesome, the expense incident to such determination shall be paid by such occupant; and if not, by the owner; and in either case such expense shall be recoverable in the same manner as municipal taxes. Supply of drinking water.

13. All wells in this municipality which are in use, whether such wells are public or private, shall be cleaned out before the 1st day of July in each year, and if the Local Board of Health certifies that any well should be filled up, such well shall be forthwith filled up by the owner or occupant of the premises, and no well shall be used as a privy, privy vault or cess-pool. Wells to be cleaned out, etc.

14. No privy-vault, cess-pool or reservoir into which a privy, water-closet, stable or sink is drained, shall be established until the approval in writing of the medical officer of health has been obtained. Details of establishment of privy vaults, etc., to be approved by M. O. H.

15. The next preceding section shall not apply to earth privies or earth closets without a vault below the surface of the ground, but sufficient dry earth, wood-ashes or coal ashes to absorb all the fluid parts of the deposit must be thrown upon the contents of such earth privies and closets daily, and the contents when removed must be placed in a shed or box with rain-proof cover, and removed from the premises at least once a year on or before the 1st day of May. Time deposits to be removed.

16. If the exigencies or circumstances of the municipality require that privy-vaults, cess-pools or reservoirs shall be allowed in accordance with section 14, they shall be cleaned out at least once a year, on or before the 1st day of May, and from the 1st day of May to the 1st day of November in each year they shall be thoroughly disinfected by adding to the contents of the vault, cess-pool or reservoir, once a month, not less than two pounds of chloride of lime, dissolved in two pailfuls of water. Cleaning out and disinfecting privy vaults, etc.

17. Within the limits of this municipality no night-soil or contents of any cess-pool shall be removed, unless previously disinfected as provided by section 16, and during its transportation the material shall be covered with a layer of fresh earth, unless the removal is by some odourless excavating process. Deodorization before removal.

18. All putrid and decaying animal or vegetable matter must be removed from all cellars, buildings, out-buildings and yards on or before the 1st day of May in each year. Time for removal of decayed animal or vegetable matter.

Time for
removal of
garbage.

19. Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning the same or by placing it in a proper covered receptacle, the contents of which shall be regularly removed, at least twice a week.

Hogs.

20. Swine shall not be kept within the limits of this municipality, except in pens, with floors kept free from standing water and regularly cleanse and disinfected, and distant at least one hundred feet from any dwelling house, school house or church.

Livery
stable.

21. The keeper of every livery or other stable shall keep his stable and stable-yard clean, and shall not permit more than two waggon-loads of manure to accumulate in or near the same at any one time, and shall at all times keep such manure in a proper covered receptacle.

House con-
struction.
Soil of
building
sites to be
disinfected.

22. No house shall be built upon any site, the soil of which has been made up of any refuse, unless such soil has been removed from such site, and the site disinfected, or unless the soil has been covered with a layer of charcoal or ashes, covered by a layer of concrete at least six inches thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

Ventilation
of drains,
etc.

23. The drain of every house connected with a sewer or cess-pool shall be properly ventilated by means of a pipe extending upward from the highest point of the main soil or waste-pipe, and also by a pipe carried upward from the drain outside the walls of the house. Such pipes shall be of the same dimensions as the main soil or waste-pipe, and shall be constructed of the same material or of stout galvanized iron, and no trap shall intervene between the ventilating pipes. If a trap intervenes between the sewer or cess-pool and the ventilating pipes, then a four-inch ventilating pipe of such material shall be carried from a point between such trap and the sewer. Every ventilating pipe shall be carried above the roof of the house, and shall open above at points sufficiently remote from every window, door, sky-light, chimney or other opening leading into any house to prevent the escape into it of gases from such ventilating pipes.

24. No pipe from any drain or soil-pipe shall be connected with any chimney in a dwelling-house.

Description
of drain
pipes.

25. Every house-drain shall be constructed of vitrified earthenware or iron pipe; and every soil and waste-pipe of iron pipe shall be rendered impervious to gas or liquids, by the joints being run with lead and caulked, or constructed of lead pipe weighing at least six pounds to the square foot; and the waste-pipe from every closet, sink, tub, wash-basin or other service shall have as near as possible to the point of junction with such service a trap so constructed, vented and furnished, that it shall at no time allow of the passage of gas into the house. And all joints shall be so constructed as to prevent gas escaping through them.

Certain
closets
prohibited.

26. The construction of any closet or other convenience which allows of the escape from it or from the drain or soil-pipe into the house of air or gas is prohibited.

Pipes sup-
plying water
to closets.

27. No pipe supplying water to a water-closet or urinal shall be directly connected with a pipe supplying water for drinking purposes.

28. Every person who erects or causes to be erected any building shall, within two weeks after the completion thereof, deposit with the Local Board of Health plans of the drainage and plumbing of the same as executed; and in the case of any alteration of any such plumbing or drainage, it shall be the duty of the owner of the house, within two weeks of the making of the alteration, to deposit in the same manner a plan of any such alteration; if such alteration is made by an occupant it shall be his duty to deposit or cause to be deposited the plan.

Plumbing and drainage plans to be filed.

29. The Medical Officer of Health or the Secretary of the Local Board of Health shall provide each legally qualified medical practitioner, practising within this municipality, with blank forms on which he shall report cases of communicable disease to the Medical Officer of Health, Officer or Secretary and, also, with other blank forms on which to report death or recovery from any such disease.

Rules respecting infectious and contagious diseases. Duties of M. O. H.

30. All such forms shall be so printed, gummed and folded and shall call for the following information:

Forms, kind of.

Report of Communicable Disease.

Christian name and surname of patient:
Age of patient:
Locality (giving street, number of house or lot), where patient is:
Name of disease:
Name of school attended by children from that house:
Measures employed for isolation and disinfection:
(Signature of physician):

Blank forms.

.....

Report of Death or Recovery from Infectious Disease.

Christian name and surname of patient:
Locality (giving street, number of house or lot), where patient is:
Name of disease:
How long sick:
Whether dead or recovered:
Means of disinfection employed, and when employed:
(Signature of physician):

.....

31. The Medical Officer of Health within six hours after he has received notice of the existence in any house of any communicable disease in respect of which it is his duty to do so, shall affix or cause to be affixed, near the entrance of such house, a card at least nine inches wide and twelve inches long, stating that such disease exists in the house, and stating the penalty for removal of such card without the permission of the Medical Officer of Health, and no person shall remove such card without his permission.

Notice of disease to be posted up.

Not to be removed.

32. No animal suffering from any communicable disease shall be brought or kept within this municipality, except by permission of the Medical Officer of Health.

Animals affected.

33. Any person who violates sections 4, 6, 7, 9, or 11 of this by-law or section 22 or sections 31 or 32, shall for every offence incur a penalty of not less than \$5 nor more than \$50; and any person who violates any other provision of this by-law shall for every offence incur a penalty of not more than \$20; and such penalties shall be recoverable under "The Ontario Summary Convictions Act."

Penalties

CHAPTER 219.

An Act respecting Vaccination and Inoculation.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Vaccination Act*. 2 Geo. V. c. 59, s. 1.

Duty of trustees, etc., of hospitals, etc., to keep vaccine matter.

2. The trustees, governors, directors or other officers or persons having at any time the control and management of any hospital or dispensary receiving aid from the public funds of Ontario shall keep at all times in such hospital or dispensary an adequate supply of vaccine matter for,

For vaccination at hospital.

(a) The vaccination, by a legally qualified medical practitioner attached to such hospital or dispensary, at the expense of the same, of all poor persons, and at their own expense of all other persons, who attend at such hospital or dispensary for that purpose, during one day in every week; the fee to be charged for such vaccination not in any case to exceed fifty cents, and to be used and applied for the benefit of the hospital or dispensary;

For furnishing practitioners.

(b) Furnishing, on application, to every legally qualified medical practitioner, such reasonable quantities of vaccine matter as he from time to time requires;

For the use of the Indians.

(c) Furnishing, on application, to the Superintendent-General of Indian Affairs, or his assistant, or to any visiting Superintendent of Indian Affairs, such reasonable quantities of vaccine matter as he may from time to time require for the use and benefit of any settlement of Indians. 2 Geo. V. c. 59, s. 2.

No payment of Legislative grant to any hospital unless it has a sufficient quantity of vaccine matter on hand, etc.

3. No warrant shall issue for the payment of any money granted by this Legislature to any hospital or dispensary, unless a certificate has been filed in the office of the Clerk of the Executive Council, signed by a medical officer of such hospital or dispensary, to the effect that there is actually on hand therein a supply of vaccine matter which is believed to be sufficient for the purposes mentioned in section 2 from the date of such certificate, or setting forth reasons in explanation of any deficiency in such supply to the satisfaction of the Lieutenant-Governor in Council, nor unless, nor until a cer-

tificate so signed has been filed to the effect that at no time since the date of the then last certificate, has the demand upon such hospital or dispensary for vaccine matter for such purposes exceeded the supply in hand in such hospital or dispensary, or setting forth reasons in explanation of any deficiency in such supply, to the satisfaction of the Lieutenant-Governor in Council. 2 Geo. V. c. 59, s. 3.

4. The trustees, governors, directors or other officers or persons having for the time being the control and management of any hospital or dispensary to which aid has been granted during any Session of the Assembly shall cause to be transmitted to the Provincial Secretary, in time for copies thereof to be laid before the Assembly during the first fifteen days of the then next Session, a statement certified by the proper officers of such hospital or dispensary showing the number of persons who have applied for and received free vaccination, the number of persons who have applied for and received vaccination at their own expense, and the number, amount and application of fees charged and received for vaccination. 2 Geo. V. c. 59, s. 4.

Annual statement to be laid before Assembly respecting vaccination.

5.—(1) The corporation of every city, town, township and village shall contract with one or more legally qualified medical practitioners, for the period of one year, and so from year to year as such contract expires, for the vaccination, at the expense of the corporation, of all poor persons, and at their own expense of all other persons resident in such municipality who come to such medical practitioners for that purpose.

Employment by municipalities of medical practitioners to vaccinate residents.

(2) It shall be a condition of every such contract, that the amount of the remuneration to be received under the same shall depend on the number of persons who, not having been previously successfully vaccinated, are successfully vaccinated by such medical practitioners. 2 Geo. V. c. 59, s. 5.

Remuneration to depend on success.

6.—(1) If the corporation neglects to make such contract and such neglect continues for one month after the attention of the council has been called in writing by the local board of health to such neglect, and to the powers which, in case of such neglect, it may exercise under the authority of this Act, the local board may contract with the medical officer of health of the municipality, or other legally qualified medical practitioner, to perform all the duties which may be performed by or are incumbent upon a medical practitioner under this Act if appointed or contracted with by the corporation under the next preceding section, and the corporation shall be liable to the medical practitioner for the fees for vaccination or for duties performed to the extent provided for by this Act as if the contract had been made by or with the corporation.

Powers of local board of health in default of municipality.

(2) The local board of health may also, unless the council has already done so, appoint the places and give the notice

Local board to appoint place and give notice.

where and when such vaccination shall be performed, as is required by the next succeeding section, to be done by the council. 2 Geo. V. c. 59, s. 6.

Municipalities
to appoint
convenient
places for per-
formance of
vaccination.

7. The council of every city and town shall appoint a convenient place in each ward, and the council of every township and village shall appoint a convenient place therein for the performance, at least once in each month, of such vaccination, and shall take effectual means for giving, from time to time, to all persons resident within each such ward or within the township or village due notice of the days, hours and place at which the medical practitioner or one of the medical practitioners contracted with for such purpose will attend to vaccinate all persons not successfully vaccinated who may then appear there, and also of the days, hours and place at which such medical practitioner will attend to inspect the progress of such vaccination in the persons so vaccinated. 2 Geo. V. c. 59, s. 7.

Parents, etc.,
bound to take
children to be
vaccinated.

8.—(1) The father and mother of every child born in such city, town, township, or village shall, at some appointed time within three months after the birth of such child, or in the event of the death, illness, absence or inability of the father and mother, then the person who has the care, nurture or custody of the child, shall at some appointed time within four months after the birth of the child, take or cause to be taken the child to the medical practitioner in attendance at the appointed place, according to the provisions of the preceding sections, for the purpose of being vaccinated, unless the child has been previously vaccinated by a legally qualified medical practitioner and the vaccination has been duly certified; and the medical practitioner so appointed shall thereupon, or as soon after as it can conveniently and properly be done, vaccinate the child.

And exhibit
them to the
medical prac-
titioner on
eighth day.

(2) Upon the eighth day following the day on which any child has been so vaccinated, the father or mother, or other person having the care, nurture or custody of the child, shall again take or cause to be taken the child to the medical practitioner by whom the operation was performed, or the other medical practitioner in attendance, in order that he may ascertain by inspection the result of the operation.

Certificate of
successful
vaccination
to be given.

(3) Immediately after the successful vaccination of a child born in any city, town, township or village the medical practitioner who performed the operation shall deliver to the father or mother, or other person having the care, nurture or custody of the child, a certificate under his hand, Form 1, that the child has been successfully vaccinated, and shall transmit a duplicate of the certificate to the clerk of the municipality in which the operation was performed.

What to be
evidence of.

(4) Such certificate shall, without further proof, be admissible as evidence of the successful vaccination of the child in any information or complaint brought against the father

or mother, or the person who had the care, nurture or custody of the child, for noncompliance with the provisions of this Act.

(5) If the medical practitioner is of opinion that a child brought to him is not in a fit and proper state to be successfully vaccinated he shall deliver to the father or mother of the child, or the person having the care, nurture or custody of the child, on demand and without fee, a certificate under his hand, Form 2, that the child is in an unfit state for successful vaccination.

If the child be found unfit for vaccination.

Certificate.

(6) Such certificate or a similar certificate of a legally qualified medical practitioner shall remain in force for two months from its delivery; and the father or mother, or the person having the care, nurture or custody of the child, unless within each succeeding period of two months a renewal of such certificate has been obtained from a legally qualified medical practitioner, shall, within two months after the delivery of the certificate, and if the child is not vaccinated by the termination of such period, then during each succeeding period of two months until the child has been successfully vaccinated, take or cause to be taken to the medical practitioner, so appointed, such child to be vaccinated by him.

How long to be in force.

Re-presentation of the child to be repeated until successful vaccination.

(7) If the medical practitioner deems the child to be then in a fit and proper state for successful vaccination, he shall forthwith vaccinate it, and shall immediately after the successful vaccination of the child deliver to the father or mother, or the person having the care, nurture or custody of the child, a certificate under his hand, Form 1, that the child has been successfully vaccinated.

Vaccination and certificate thereof.

(8) If the medical practitioner is of opinion that the child is still in an unfit state for successful vaccination he shall again deliver to the father or mother, or to the person having the care, nurture or custody of the child, a certificate under his hand, Form 2, that the child is still in an unfit state for successful vaccination, and the medical practitioner, so long as the child remains in an unfit state for vaccination and unvaccinated, shall, at the expiration of every succeeding period of two months, deliver, if required, to the father or mother, or to the person having the care, nurture or custody of the child, a fresh certificate under his hand, Form 2.

Certificate of unfitness for vaccination on re-examination.

(9) The production of such certificate or a similar certificate from a legally qualified medical practitioner shall be a sufficient defence against any complaint brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act.

Effect of certificate.

(10) If a medical practitioner employed under the provisions of this Act, or any other duly qualified medical practitioner, is of opinion that any child vaccinated by him is insusceptible of the vaccine disease, he shall deliver to the

If the child is found insusceptible of vaccine disease.

father or mother, or to the person having the care, nurture or custody of the child, a certificate under his hand, Form 3, and the production of the certificate shall be a sufficient defence against any complaint which may be brought against the father or mother, or person having the care, nurture or custody of the child, for non-compliance with the provisions of this Act.

Children
brought into
municipality.

(11) This section shall also apply to all children over the age of three months who become resident in a municipality, and such children shall, for the purposes of this section, be considered as children born in the municipality at the date on which they became resident within it. 2 Geo. V. c. 59, s. 8.

Fees under
this Act.

9. In all contracts made under the provisions of this Act the sums contracted to be paid shall not be more than twenty-five cents for each person successfully vaccinated, including all or any of the certificates required by this Act. 2 Geo. V. c. 59, s. 9.

Penalty for
non-compli-
ance with the
requirements
of this Act.

10. If the father or mother, or person having the care, nurture or custody of a child, does not cause the child to be vaccinated within the periods prescribed by this Act, or does not, on the eighth day after the vaccination has been performed, take or cause to be taken the child for inspection, according to the provisions of this Act, the father or mother, or other person so offending shall incur a penalty not exceeding \$5. 2 Geo. V. c. 59, s. 10.

How far and
when plea of
conviction
shall avail.

11.—(1) After the expiration of two months from the conviction of any person for an offence against this Act, in respect of any child, no plea of such conviction shall be a sufficient defence against any complaint which may then be brought against the same or any other person for non-compliance with the provisions of this Act in respect of the same child.

Production
of certificates
in defence.

(2) The production of a certificate, Form 1 or 3, under the hand of a legally qualified medical practitioner, shall be a sufficient defence against such complaint; but the production of a certificate, Form 2, shall not be a sufficient defence unless the vaccination is thereby postponed to a day subsequent to that on which the complaint is brought. 2 Geo. V. c. 59, s. 11.

Enforcing
vaccination.

12.—(1) In every municipality where smallpox exists, or in which the Provincial or local board of health has notified the council that in its opinion there is danger of its breaking out owing to the facility of communication with infected localities, the council of the municipality shall order the vaccination or re-vaccination of all persons resident in the municipality who have not been vaccinated within seven years, and that such vaccination or re-vaccination shall be carried out in so far as the same may be applicable in the

same manner as the vaccination of children, except that a person of fourteen years of age or over, but under the age of twenty-one years, who is not in the custody or under the control of his father or mother or of any other person, and every person of twenty-one years or over, shall present himself for vaccination by the medical practitioner, or by some other legally qualified medical practitioner, and the medical practitioner shall adopt the same measures to secure the vaccination or re-vaccination of every such person as he is required to take with regard to children.

(2) A proclamation issued by the head of the municipality, and published in posters and in at least one newspaper published within the municipality, or, if there is no such newspaper, in at least one newspaper published in the county or district in which such municipality is situate, warning the public that this section is in force shall be sufficient evidence to justify the conviction of any person who has failed to comply with the law within a period of seven days from the publication of the proclamation.

Proclamation
by head of
municipality.

(3) Every member of a municipal council which neglects or refuses to make the order required by subsection 1 or to make proper provision for carrying the same into effect, shall incur a penalty not exceeding \$25, unless he proves that he did everything in his power to secure the making of the order or the making of proper provision for carrying any such order into effect, and causes his protest against such refusal or neglect to be recorded in the proceedings of the council.

Penalty for
neglect by
member of
municipality.

(4) If the head of a municipality neglects or refuses to issue and publish the proclamation required by subsection 2 he shall incur a penalty not exceeding \$25.

By head of
municipality.

(5) Every person who wilfully neglects or refuses to obey the order of the council shall incur a penalty not exceeding \$25. 2 Geo. V. c. 58, s. 12.

Penalty for
neglect to
obey order
of council.

13.—(1) Where it is deemed necessary by the medical officer of health of any municipality, owing to the presence or threatened presence of smallpox, he may, with the approval of the local board of health, require certificates of successful vaccination or of insusceptibility on re-vaccination within seven years, of all pupils or students of a public, separate, continuation or high school or collegiate institute, and of a college or university, or of any other public or private institution of learning within the municipality, to be presented to the proper authorities of the institution, and no pupil or student refusing to produce such certificate on demand shall be admitted to further attendance in the institution until the certificate is furnished.

Vaccination
of pupils and
students.

(2) Any principal, teacher, superintendent or officer of any such institution who commits or is party or privy to any

Penalty.

contravention of subsection 1 shall incur a penalty not exceeding \$20. 2 Geo. V. c. 59, s. 13.

Penalty for
inoculating
with variolous
matter.
C.S.C. c. 39,
s. 1. R.S.C.,
1886, App.
No. 1, p. 2.

14. Any person who by inoculation with or by wilful exposure to variolous matter or by any matter, article or thing impregnated with variolous matter, or wilfully by any other means produces or attempts to produce the disease of smallpox in any person, shall upon conviction thereof be liable to imprisonment for any term not exceeding one year. 2 Geo. V. c. 59, s. 14.

Erasure
from register
of medical
council.

15. If a legally qualified medical practitioner is convicted of an offence against section 14 his name shall be erased from the Register of the College of Physicians and Surgeons of Ontario, but the medical council at any time after the expiration of the term of imprisonment of any such person may restore his name to the Register. 2 Geo. V. c. 59, s. 15.

Prosecutions.

Rev. Stat. c. 59.

16. Every prosecution under this Act shall take place before a police magistrate or two justices of the peace and *The Ontario Summary Convictions Act* shall apply thereto. 2 Geo. V. c. 59, s. 16.

FORM 1.

(Sections 8 and 11.)

CERTIFICATE OF VACCINATION.

I, the undersigned, a legally qualified medical practitioner, hereby certify that _____, the child of _____, aged _____, of _____ Ward, in the City of _____ (or as the case may be), has been successfully vaccinated by me.

Dated this _____ day of _____, 19 _____ A.B.

2 Geo. V. c. 59, Form 1.

FORM 2.

(Sections 8 and 11.)

CERTIFICATE OF UNFITNESS FOR VACCINATION.

I, the undersigned, a legally qualified medical practitioner, hereby certify that I am of opinion that _____ the child of _____, of _____ Ward, in the City of _____ (or as the case may be), aged _____, is not now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination until the _____ day of _____.

Dated this _____ day of _____, 19 _____ A.B.

2 Geo. V. c. 59, Form 2.

FORM 3.

(Sections 8 and 11.)

CERTIFICATE OF INSUSCEPTIBILITY TO VACCINE DISEASE.

I, the undersigned, a legally qualified medical practitioner,
hereby certify that I am of opinion that the child of
, of Ward, in the City of
(or as the case may be), is insusceptible of the vaccine disease.

A.B.

Dated this day of , 19 .

2 Geo. V. c. 59, Form 3.

CHAPTER 220.

An Act to encourage Housing Accommodation
in Cities and Towns.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title. 1. This Act may be cited as *The Housing Accommodation Act, New*.
- Interpre- 2. In this Act,
tation.
- "Land." (a) "Land" shall include leaseholds;
- "Securities." (b) "Securities" shall mean bonds, debentures, debenture stock or other securities. 3-4 Geo. V. c. 57, s. 1.
- Petition of company to council for guarantee of bonds. 3. A company incorporated under *The Ontario Companies Act* with a share capital whose main purposes of incorporation are the acquisition of land in or near a city or town in Ontario and the building and making thereon of dwelling houses of moderate size and improvements and conveniences, to be rented at moderate rents, may petition the council of such city or town to guarantee its securities to enable or assist it to raise money to carry out such main purposes. 3-4 Geo. V. c. 57, s. 2.
- Rev. Stat. c. 178.
- By-law for guarantee of bonds with assent of electors. 4. (1) If the council is satisfied that additional housing accommodation for those living or working in the municipality is urgently needed, and that the main purpose of the company is to help, *bona fide*, in supplying such need and is not to make profits, and that the company, without borrowing the money required, over and above the proceeds of the guaranteed securities, for the housing accommodation in contemplation, will be able to provide the same the council may, with the assent of the electors entitled to vote on money by-laws, pass a by-law authorizing and providing for the giving by the council of such guarantee to the amount and upon the terms and conditions hereinafter contained.
- When assent of electors not required. (2) It shall not be necessary to obtain the assent of the electors to the by-law if it is approved of by the Provincial Board of Health. 3-4 Geo. V. c. 57, s. 3.
- Approval of location of land. 5. The council or a committee thereof shall, before the guarantee is given, approve of the location of the land

selected for the housing accommodation and of the general plans for the houses. 3-4 Geo. V. c. 57, §. 4.

6. The securities to be guaranteed shall be secured by one ^{Mortgage} or more deeds of trust by way of first mortgage or charge ^{securing bonds.} upon such land as the council or committee may approve of, including the houses and improvements built and made or to be built and made thereon. 3-4 Geo. V. c. 57, s. 5.

7. The kind of securities to be guaranteed and the forms ^{Approval of} and terms thereof, and the forms and terms of the deed or ^{forms of} deeds of trust securing them, and the trustee or trustees, and ^{securities,} the times and manner of the issue of securities, and the dis- ^{mortgages,} position of the money to be raised thereon by sale, pledge ^{guarantee,} or otherwise pending the expenditure of such money and the forms and manner of guarantee, shall be such as the council or committee approve of; and such terms, provisions and conditions may be included in such deed or deeds of trust as the council or committee deem expedient or necessary. 3-4 Geo. V. c. 57, s. 6.

8.—(1) The guarantee shall be signed by the mayor and ^{Execution} treasurer of the municipal corporation, and upon being so ^{of guarantee.} signed the corporation shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof.

(2) If the corporation becomes liable to pay any of such ^{Authority to} guaranteed securities it may provide for the payment of the ^{provide funds} same out of the general funds of the corporation or by the ^{to meet} issue of debentures payable within a term not exceeding ten ^{guarantee.} years from the issue thereof, and it shall not be necessary to obtain the assent of the electors to a by-law providing for the issue of such debentures. 3-4 Geo. V. c. 57, s. 7.

9. The total amount of securities to be guaranteed shall ^{Limit of} not in the first instance exceed eighty-five per centum of an ^{guarantee.} amount to be fixed in the deed or deeds of trust as representing the value of the land and housing accommodation and improvements to be built and made thereon; and the deed or deeds may make all convenient provisions for the expenditure of additional money on such land and housing accommodation and improvements, and for the acquisition of additional land to be made part of the mortgaged premises and for expenditure thereon, and for the issue of additional guaranteed securities under such deed or deeds, but so that the total amount outstanding shall not exceed eighty-five per centum of the value of the mortgaged premises to be ascertained and fixed in the manner provided in such deed or deeds, and for the issue of such additional securities in advance of expenditure, and for the disposition of the money to be raised thereon by sale, pledge or otherwise pending the expenditure thereof. 3-4 Geo. V. c. 57, s. 8.

Appointment of one Director by Council.

10.—(1) The council of the municipal corporation which guarantees securities of the company as provided for in this Act may from time to time appoint and remove one member of the board of directors of such company, and in case of a vacancy in such membership by removal, death, resignation or otherwise his successor may be appointed by the council, and so on from time to time.

Holding stock not required.

(2) It shall not be necessary for the appointee of the council to hold stock in the capital of the company or to be otherwise qualified as a director. 3-4 Geo. V. c. 57, s. 9.

Inspection of books of company.

11. The books of a company whose securities have been guaranteed by a municipal corporation, hereinafter referred to as the "Assisted Company," shall at all times be open to inspection by any person named in that behalf by the council. 3-4 Geo. V. c. 57, s. 10.

Limit of dividends.

12.—(1) No dividend upon the capital stock of the Assisted Company or other distribution of profits among the shareholders shall be declared or paid exceeding six per centum per annum in any one year.

Instalments.

(2) Such dividend may be payable in instalments during the year.

Making up deficiencies.

(3) If the sums paid in any year do not amount to six per centum the deficiency, with interest, may be made up in any subsequent year or years. 3-4 Geo. V. c. 57, s. 11.

Application of profits after payment of dividends.

13.—(1) Any net profits received by the Assisted Company in any year and not required to pay such six per centum or to make up a deficiency therein or for a reasonable contingent fund shall be expended by the company in acquiring land, improving its housing accommodation by way of new buildings, additions, extensions or other improvements or in redeeming or getting in the capital stock of the company as hereinafter provided.

Enforcement of restrictions.

(2) The Supreme Court shall have jurisdiction, upon the application of the council of the municipal corporation guaranteeing the company's securities, to enforce by mandamus or otherwise the carrying out of this section by the company, its directors and officers. 3-4 Geo. V. c. 57, s. 12.

Power to redeem outstanding shares.

14.—(1) The Assisted Company may, with the approval of the council of the municipal corporation guaranteeing its securities, pass a by-law providing for redeeming or getting in, upon such plan and terms and at such times as may be deemed best, the whole or part from time to time of the outstanding shares in the capital stock of the company.

Money available for redemption.

(2) For such purpose any available money, whether representing capital or otherwise may be used; but no greater premium than ten per centum shall be paid upon the redemp-

tion or getting in of any share, and after five years from the first issue of guaranteed securities the company, at the request of the council, shall pass such by-law and any difference which may then arise respecting the terms thereof shall be settled by the Lieutenant-Governor in Council. 3-4 Geo. V. c. 57, s. 13.

15. Any shareholder may give or bequeath to the Assisted Company or to the board of trustees, established under section 16, the whole or any part of his shares in the capital stock of the company, and the company may accept and hold the same until transferred to such board of trustees. 3-4 Geo. V. c. 57, s. 14.

Power of shareholders to bequeath shares to company.

16.—(1) The Assisted Company may, with the approval of the council of the municipal corporation guaranteeing the securities, establish a board of trustees to receive and hold the shares redeemed or got in or given or bequeathed to the company or to such board upon such trusts and for such purposes and with such powers as may be thought expedient in furtherance of the objects of this Act and as may be declared or provided for in the instrument establishing the board.

Establishment of board of trustees.

(2) The successors of such trustees shall be appointed in the manner provided for in the instrument.

(3) The company with the like approval may alter the terms of the instrument and add to or otherwise vary the terms, purposes and powers therein mentioned.

(4) After five years from the first issue of guaranteed securities the company, at the request of the council, shall establish such board of trustees, and any differences which may then arise respecting the terms of the instrument establishing the board shall be settled by the Lieutenant-Governor in Council. 3-4 Geo. V. c. 57, s. 15.

17. The shares redeemed or got in or given or bequeathed to the company shall not become extinct but shall be transferred to and vested in the board of trustees. 3-4 Geo. V. c. 57, s. 16.

Redeemed shares vested in board of trustees.

18. The council of the municipal corporation guaranteeing the company's securities may from time to time furnish the company with money to be applied in the redemption or getting in of shares from time to time under the terms of the by-laws mentioned in section 14, and the company shall apply such money accordingly. 3-4 Geo. V. c. 57, s. 17.

Authority to furnish money to redeem shares.

19. No share in the capital of the Assisted Company shall be sold or disposed of for any consideration other than cash, and money received by the Assisted Company on account of its capital stock shall not be used for expenditures other than those connected with the carrying out of the main pur-

Stock to be sold only for cash.

poses of the company, that is to say, the acquisition of land in or near a city or town in Ontario and the building and making thereon of dwelling houses of moderate size and improvements and conveniences, and the carrying out of the objects of this Act. 3-4 Geo. V. c. 57, s. 18.

Power to
accept
legacies, de-
vises, etc.
Rev. Stat.
c. 103.

24. The Assisted Company may accept gifts, devises and bequests of real and personal property, notwithstanding *The Mortmain and Charitable Uses Act*. 3-4 Geo. V. c. 57, s. 19.

8. PREVENTION OF FRAUDS.

CHAPTER 221.

An Act respecting the Production and Sale of Milk
for Human Consumption.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Milk Act*. 1 Geo. V. Short title.
c. 69, s. 1.

2. In this Act, "Municipality" shall not include County. Interpretation "Municipality."
1 Geo. V. c. 69, s. 2.

3. The Council of every municipality may pass by-laws Powers of municipal councils.
for regulating milk produced for sale, offered for sale or sold within such municipality as to the

- (a) care of cows producing milk for sale for domestic consumption;
- (b) cleanliness, ventilation and sanitary conditions of the places in which cows are kept or milked or in which milk is stored;
- (c) water supplied to cows;
- (d) care and cleansing, construction and type of all utensils used in handling milk, whether by producers, carriers or vendors;
- (e) care, storage, transportation and distribution of milk by producers, carriers or vendors;
- (f) making of bacteriological tests for the purpose of ascertaining the wholesomeness of milk offered for sale by any producer, carrier or vendor; and
- (g) other matters regarding the production, care, transportation or sale of milk which the Council may deem necessary;

and upon such regulations being approved in writing by the Minister of Agriculture, they shall apply to all milk pro- Approval of regulations.
duced for sale, offered for sale or sold within such municipality. 1 Geo. V. c. 69, s. 3.

By laws
regulating
the grant-
ing of
licenses.

4.—(1) The council of every municipality may pass by-laws for licensing and regulating the granting of licenses to venders of milk for human consumption, and may refuse or cancel such licenses.

Not to be
sold without
a license.

(2) No person shall sell milk in a municipality in which such by-laws are in force without first obtaining a license therefor. 1 Geo. V. c. 69, s. 4.

By-laws
fixing
standards
of butter-
fat and
solids.

5.—(1) The council of every municipality may pass by-laws fixing the standard for butter fat and total solids of milk sold in such municipality, but no milk shall be sold for human consumption which contains less than twelve per cent. of solids, of which three per cent. is butter fat.

Preserva-
tives, etc.,
not to be
used.

(2) No person shall place any preservative in milk intended for human consumption, or sell or offer for sale to any vendor milk from which any part of the butter fat has been removed, or to which water has been added, or which has otherwise been changed from its normal condition, without previously giving notice in writing of such change to such vendor.

Departures
from stan-
dard or
normal con-
dition must
be adver-
tised.

(3) No vendor of milk shall sell or offer for sale milk not complying with the standard, or from which butter fat has been removed, or to which water has been added, or which has otherwise been changed from its normal condition, without clearly and distinctly advertising the same in the manner prescribed by the by-law of the municipality in which it is sold. 1 Geo. V. c. 69, s. 5.

Appoint-
ment of
municipal
inspectors.

6.—(1) The council of every municipality may by by-law appoint an inspector or inspectors for the enforcement of this Act and any by-law passed hereunder, and every such inspector may prohibit the sale, within the municipality for which he is inspector, of milk for human consumption which in his judgment is produced or handled contrary to the provisions of this Act or the by-law.

Powers of
inspectors.

(2) Every such inspector may inspect the premises of every vendor licensed to sell milk within the municipality, to see that the requirements of this Act and the by-laws are fully complied with, and may take samples of milk for examination and testing.

Right to
enter, take
samples, etc.

(3) Every such inspector may enter the premises, wherever located, of every person producing milk for sale or consumption within the municipality, fully inspect the same, and take for examination and testing samples of milk produced therein and of the water supplied to cows or used in cleansing dairy utensils.

Inspecting
and taking
samples in
transit.

(4) Every such inspector may inspect and take samples of milk for sale or consumption within the municipality while in transit, and may enter any premises in order to procure samples of such milk.

(5) The result of all such tests shall be open to public inspection at all reasonable times and may be published by the medical officer of health of the municipality. 1 Geo. V. c. 69, s. 6. Publication of tests.

7—(1) There shall not be sold milk from any cow which, upon physical examination by a duly qualified veterinary surgeon, is declared to be suffering from tuberculosis of the udder or milk glands, or whose milk, upon bacteriological or microscopical analysis, is shown to contain tubercle bacilli, or which is known to be suffering from splenic fever or anthrax, or any other general or local disease which is liable to render milk from such cow dangerous to health. Milk from diseased cows.

(2) Where an inspector suspects that a cow is affected with any of such diseases he shall notify the owner that the milk of such cow must not be sold or offered for sale until a permit has been granted by the board of health of the municipality in which such milk is to be consumed; and after such notice is given the milk from such cow shall not be sold until the permit is granted. 1 Geo. V. c. 69, s. 7. Idem.

8. No person suffering from, or who has knowingly, within a time prescribed by the regulations of the Provincial Board of Health, been exposed to diphtheria, scarlet fever, typhoid fever, erysipelas, smallpox, chickenpox, measles, glanders, anthrax, venereal disease or any infectious skin disease shall work or assist in the production, transportation or vending of milk, and no owner, manager or superintendent of any dairy or dairy farm shall knowingly permit any person so suffering or exposed to work or assist in the production, transportation or vending of milk, and the sale of milk produced or handled under such circumstances may be prohibited by the inspector. 1 Geo. V. c. 69, s. 8, *amended*. Persons suffering from diseases not to be employed.

9. Cans, bottles or other utensils used in the distribution of milk shall not be used for any other purpose, and must be thoroughly cleansed before being again used. 1 Geo. V. c. 69, s. 9. Use and cleansing of utensils.

10. The council of every municipality may establish and maintain or assist by annual grant or otherwise in the establishment and maintenance of milk depots in order to furnish a special supply of milk to infants. 1 Geo. V. c. 69, s. 10. Municipal milk depots.

11.—(1) The term “certified” shall not be applied to any milk unless: Use of word “certified.”

(a) It is taken from cows semi-annually subjected to the tuberculin test and found without reaction; Conditions.

(b) It contains not more than 10,000 bacteria per cubic centimetre from June to September both inclusive, and not more than 5,000 bacteria per cubic centimetre from October to May both inclusive;

- (c) It is free from blood, pus, or disease-producing organisms;
- (d) It is free from disagreeable odour or taste;
- (e) It has not undergone pasteurization or sterilization, and is free from chemical preservatives;
- (f) It has been cooled to forty-five degrees Fahrenheit or under within half an hour after milking, and kept at that temperature until delivered to the consumer;
- (g) It contains twelve to thirteen per cent. of milk solids, of which at least three and one-half per centum is butter fat;
- (h) It is from a farm the herd of which is inspected monthly by a duly qualified veterinary surgeon, and the employees of which are examined monthly by a legally qualified medical practitioner.

Inspection of
condition.

(2) No milk shall be sold as "certified" unless a certificate setting forth that the above conditions have been complied with has been obtained within one year from the medical officer of health of the municipality in which it is to be consumed or from an incorporated society of medical practitioners in Ontario. 1 Geo. V. c. 69, s. 11, *amended*.

Use of word
"pasteur-
ized."

12. The word "Pasteurized" shall not be applied to any milk unless all portions of it have been subjected for at least twenty and not more than thirty minutes to a temperature of not less than 140 and not more than 150 degrees Fahrenheit and then at once cooled to 45 degrees Fahrenheit or under and kept at that temperature until delivered to the consumer; and the process of pasteurization shall be subject to inspection by the local medical officer of health or such inspector as he may designate. 1 Geo. V. c. 69, s. 12.

Penalties

13. Any person contravening any of the provisions of this Act or of any by-law passed hereunder shall incur a penalty of not less than \$1 nor more than \$50 recoverable under *The Ontario Summary Convictions Act*.

CHAPTER 222.

An Act respecting Milk, Cheese and Butter
Manufacturers.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows: —

1. This Act may be cited as *The Milk, Cheese and Butter* Short title.
Act. 3-4 Geo. V. c. 59, s. 1.

2. In this Act,

Interpretation.

(a) "Factory" shall mean and include a cheese or butter Factory.
manufactory, condensed milk factory, creamery,
milk powder factory, or other premises where
milk or cream is collected for sale or shipment or
manufacture;

(b) "Minister" shall mean Minister of Agriculture. Minister.
3-4 Geo. V. c. 59, s. 2.

3. The owners or board of management of a creamery may Power to
make such rules and regulations as may be deemed advisable make rules.
for the due carrying on of the business of the creamery.
3-4 Geo. V. c. 59, s. 3.

4. The patrons of all creameries may be required to sub- Rules to be
scribe their names to such rules and regulations, and the binding on
same shall be binding on them and on the owners and board of patrons, etc.
management. 3-4 Geo. V. c. 59, s. 4.

PREVENTION OF FRAUDS.

5.—(1) The owner or manager of a factory may require Right to test
the owner or custodian of a cow whose milk is being bought milk.
for, or supplied or sent to the factory to submit such cow,
at the premises where it is usually kept, to such milk test by
persons named by such owner or manager as may be neces-
sary for them to ascertain the quantity and quality of the
milk of such cow on any day as may be appointed by such
owner or manager.

(2) If the owner or custodian refuses to so submit the cow Interfering
or obstructs the persons making the milk test, or interrupts with test.
the test, or interferes in any way with it he shall for every

such offence incur a penalty of not less than \$10 nor more than \$100. 3-4 Geo. V. c. 59, s. 5.

Right to take
samples of
milk.

6.—(1) The owner or manager of a factory who suspects any person selling, supplying, sending or bringing milk to the factory, of an offence against this Act, may enter upon, or may appoint some person or persons to enter upon, and such person or persons may enter upon the premises of the suspected person, with or without notice, and take samples of milk from any cow from which the supposed offender was, or had been immediately before then, procuring the milk or part of the milk so sold, supplied, sent or brought.

Interfering
with taking
of samples.

(2) Any such suspected person who obstructs or refuses to permit the taking of any such sample shall incur a penalty of not less than \$10 nor more than \$50. 3-4 Geo. V. c. 59, s. 6.

Notice to be
given when
milk diluted,
etc.

7. No person shall sell, supply, bring or send to a factory, or the owner or manager thereof, milk diluted with water or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or milk in which any preservative is contained without distinctly notifying in writing the owner or manager of such factory of the fact. 3-4 Geo. V. c. 59, s. 7.

Notice to be
given when
any part of
milk is kept
back.

8. No person who, in the course of his business, agrees to sell, supply, bring or send to a factory, or the owner or manager thereof, to be manufactured, the milk of any cow shall, in the course of such dealing and business, keep back any part of the milking of such cow without distinctly notifying in writing the owner or manager of such factory what portion of the milk he has so kept back. 3-4 Geo. V. c. 59, s. 8.

Notice to be
given when
milk tainted.

9. No person shall sell, supply, bring or send to a factory, or the owner or manager thereof, to be manufactured any milk tainted or partly sour without distinctly notifying in writing the owner or manager of such factory of the fact. 3-4 Geo. V. c. 59, s. 9.

Supplier
keeping
premises,
etc., in
clean and
sanitary
condition.

10. Every person supplying milk or cream to a factory shall keep his dairy, milk house, milk stand, vessels and equipment used for storing or carrying milk or cream in a clean and sanitary condition. 3-4 Geo. V. c. 59, s. 10.

Creameries and
cheese
factories to be
kept clean.

11. (1) Every factory and its surroundings shall be kept in a clean and sanitary condition, and all the water used therein for the manufacture of any dairy product shall be clean and pure.

Penalty.

(2) The owner or manager of a factory who refuses or neglects to observe the provisions of this section after being

warned or advised by a dairy inspector shall incur a penalty of not less than \$5 or more than \$200. 3-4 Geo. V. c. 59, s. 11.

12.—(1) Upon the recommendation of the Minister the Lieutenant-Governor in Council may appoint one or more persons as inspectors for enforcing the provisions of this Act who shall be known as dairy inspectors. Appointment of inspectors

(2) The Lieutenant-Governor in Council may determine the remuneration to be paid to such inspectors. 3-4 Geo. V. c. 59, s. 12. Remuneration.

13.—(1) Every dairy inspector shall have free access and admission to every factory and to all the land adjoining the same and to the premises of all persons supplying milk or cream to any cheese factory or creamery. Powers of inspectors.

(2) He may take and test samples of milk found in a factory or in transit between a producer and a factory. Taking samples of milk.

(3) He may take and test samples of milk found upon the premises of producers supplying milk to a factory, and may take and test samples from cows which have been producing milk to be sold to factories. Idem.

(4) Any person refusing admission or offering obstruction to the work of inspection or of taking samples or testing the same shall incur the penalty provided by section 15. Obstructing inspection.

(5) Every inspector may at any time take samples for testing any product manufactured in any factory. 3-4 Geo. V. c. 59, s. 13. Inspectors may take samples.

14. Every inspector shall make such reports and in such form as the Minister may direct. 3-4 Geo. V. c. 59, s. 14. Report of inspector.

PENALTIES.

15.—(1) Any person who, by himself or by his servant or agent, contravenes any of the provisions of sections 7, 8, 9, 10 or 13 shall incur a penalty of not less than \$5 or more than \$50. Penalty for violations of ss. 7, 8, 9, 10, 13.

(2) For the purpose of establishing the guilt of any person under sections 7 or 8 it shall be sufficient *prima facie* evidence to show that such person, by himself, his servant or agent, sold, supplied, sent or brought to be manufactured to a factory milk which, by comparison made by means of a lactometer and Babcock Tester, was substantially below the standard of that actually drawn, or by the accused represented as having been drawn from the same cows within two weeks. Evidence for violations of ss. 7-8.

Description of
offence in
information
or complaint.

(5) In a complaint under sections 7, 8, 9, 10 or 13 and in a conviction thereon, the milk may be described as deteriorated milk without specification of the cause or mode of deterioration, and the matter complained of may be declared and shall be held to have arisen within the meaning of *The Ontario Summary Convictions Act* at the place where the milk was to be manufactured notwithstanding that the deterioration was effected elsewhere. 3-4 Geo. V. c. 59, s. 15.

Rev. Stat.
c. 90.

As to inspection of premises by Medical Officer of Health see Public Health Act, Rev. Stat. c. 218.

Appropriation
of penalties.

16. A pecuniary penalty under the next preceding section in respect of selling, supplying or bringing milk to a factory shall when recovered be payable one-half to the informant and the other one-half to the owner of the factory to which the milk was sold, supplied, sent or brought in contravention of any of the provisions of this Act to be distributed among the patrons thereof in proportion to their respective interests in and profits thereof. 3-4 Geo. V. c. 59, s. 16.

Fraudulent
use of cream
from milk
supplied.

17.—(1) The owner or manager of a factory, who knowingly and fraudulently uses or directs any of his employees to use for his or their individual benefit any cream from the milk brought to the factory without the consent of all the owners thereof shall for every offence incur a penalty of not less than \$1 or more than \$50, which when recovered shall be payable one-half to the informant and the other one-half to the treasurer of the municipality in which the offence was committed.

Penalty.

Civil remedy.

(2) Any person aggrieved by such fraudulent conduct may at his election recover from the offender by action the amount of damages sustained. 3-4 Geo. V. c. 59, s. 17.

Procedure.

18. The penalties imposed under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*, and in the case of a prosecution under section 17 the complaint shall be heard and determined by two or more justices of the peace. 3-4 Geo. V. c. 59, s. 18.

Rev. Stat.
c. 90.

Application
of Act.

19. Nothing in this Act shall apply to milk sold or offered for sale for human consumption. 3-4 Geo. V. c. 59, s. 19.

CHAPTER 223.

An Act to regulate the Manufacture of Dairy Products.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Dairy Products Act*. Short title.
3-4 Geo. V. c. 58, s. 1.

2. In this Act,

Interpretation.

- (a) "Cheese Factory" shall mean any place to which the milk from the herds of five or more persons is brought for the purpose of being manufactured into cheese for public sale. "Cheese Factory."
- (b) "Creamery" shall mean any place to which the milk or cream from the herds of three or more persons is brought for the purpose of being manufactured into butter for public sale; "Creamery."
- (c) "Inspector" shall mean inspector appointed under *The Milk, Cheese and Butter Act*. "Inspector." Rev. Stat. c. 222.
- (d) "Minister" shall mean Minister of Agriculture. "Minister." 3-4 Geo. V. c. 58, s. 2.

3.—(1) A person who was not on the first day of January, 1910, registered under section 4 of the Act passed in the ninth year of the reign of His late Majesty King Edward the Seventh, chaptered 86, shall not carry on business in a creamery, milk condensory, milk powder factory or the manufacture or collection of any form of dairy products in any building or place not recorded in the list, mentioned in such section, without first receiving from the Minister permission to do so, and the permission shall be granted only after a report from an inspector. Unregistered places not to be conducted without permission of Minister.

(2) Permission may be refused for lack of proper equipment or unsanitary conditions. Grounds of refusal.

(3) An applicant may appeal from the decision of the Minister to the Lieutenant-Governor in Council whose decision shall be final. 3-4 Geo. V. c. 58, s. 3. Appeal to Lieutenant-Governor in Council.

4. Upon the report of an inspector that any creamery, cheese factory, milk condensory, milk powder factory, cream Closing of unsanitary premises.

or milk gathering station or other place for the manufacture or collection of dairy products is not in a satisfactory sanitary condition, or is inadequately equipped for the manufacture or collection of dairy products, the Minister may order the same to be closed forthwith and it shall be kept closed until the inspector reports that it has been put into a satisfactory sanitary condition and is adequately equipped for the manufacture or collection of dairy products. 3-4 Geo. V. c. 58, s. 4.

Note.—As to inspection by Medical Officers of Health, see Public Health Act, Rev. Stat. c. 218, s. 88.

Qualification of
chief makers
in creameries
and cheese
factories.

5.—(1) No person who does not hold a certificate of qualification shall act or be allowed to act as chief maker in any creamery or cheese factory.

Who may
grant
certificate.

(2) The certificate may be granted by

(a) the Dairy School of the Ontario Agricultural College or the Eastern Dairy School;

(b) the Minister on the general grounds of competency as recommended by an Advisory Board to be composed of the Chief Dairy Instructors, the President of the Dairymen's Association of Eastern Ontario, the President of the Dairymen's Association of Western Ontario and the Director of Dairy Instruction.

Permit for
two years
after examina-
tion.

(3) Upon the written authority of the superintendent of either of such dairy schools any person may be allowed to act as a chief maker for a period not to exceed two years after he has passed his examinations in the dairy school. 3-4 Geo. V. c. 58, s. 5.

Penalties.

Rev. Stat.
c. 90.

6. Any person contravening the provisions of this Act shall incur a penalty not exceeding \$10, recoverable under *The Ontario Summary Convictions Act*. 3-4 Geo. V. c. 58, s. 6.

CHAPTER 224.

An Act respecting the Manufacture and Sale
of Bread.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Bread Sales Act*. 10 Edw. Short title.
VII. c. 95, s. 1.

2. In this Act "Bake-shop" shall mean any building, ^{Interpreta-}
premises, workshop, structure, room or place in which bread ^{tion.}
is made for sale or sold. 10 Edw. VII. c. 95, s. 2. "Bakeshop."

3. The council of every city, town and village, shall, and ^{Appoint-}
the council of every township may, appoint an Inspector for ^{ment of}
the purpose of enforcing the provisions of this Act. 10 Edw. ^{Inspector.}
VII. c. 95, s. 8.

4.—(1) Except as provided in subsection 2, no person shall ^{Weight of}
make bread for sale or sell or offer for sale bread except in ^{bread.}
loaves weighing twenty-four ounces or forty-eight ounces
avoirdupois.

(2) Small-bread may be made for sale, offered for sale and ^{Small-}
sold in any weight not exceeding twelve ounces avoirdupois. ^{bread.}
10 Edw. VII. c. 95, s. 3.

5. Every person making bread for sale shall keep in a con- ^{Scales and}
spicuous and convenient place in the bake-shop scales and ^{weights in}
weights suitable for weighing bread, and shall weigh the bread ^{bakeshop.}
offered for sale by him at the request of any person desiring
to purchase the same, and the Inspector may use such scales
at any time for the purpose of weighing bread found by him
in the bake-shop. 10 Edw. VII. c. 95, s. 4.

6. Every person who makes for sale or sells or offers for ^{Penalty}
sale bread in contravention of the preceding sections, or who ^{for making}
neglects to comply with the provisions of section 5, shall incur ^{bread, etc.,}
a penalty not exceeding \$5. 10 Edw. VII. c. 95, s. 5. ^{contrary to}
^{provisions}
^{of Act.}

7.—(1) Every person who uses an adulterant or deleter- ^{Penalty}
ious material in the making of bread for sale, or who know- ^{for using}
ingly sells or offers for sale any bread containing adulterant ^{deleterious}
^{material.}

or deleterious material shall incur a penalty not exceeding \$25, and shall also be liable as part of the costs of conviction to pay any expenses incurred in procuring an analysis of such bread.

Certain things deemed *prima facie* evidence of offence.

(2) The keeping in any place where bread is made for sale of any adulterant or deleterious material which may be used in the making of bread shall be *prima facie* evidence of an offence against subsection 1. 10 Edw. VII. c. 95, s. 6.

Penalty for interfering with Inspector.

8. Every person who refuses the Inspector admittance to his bake-shop or who interferes with the Inspector in the performance of his duties shall incur a penalty not exceeding \$10. 10 Edw. VII. c. 95, s. 7.

Weighing of bread by Inspector.

9. The Inspector may at any time prior to delivery to a purchaser weigh any bread made or offered for sale, and may take away any bread and cause the same to be tested for the purpose of discovering if any adulterant or deleterious material has been used in the making thereof, and may seize and remove any bread which does not comply with the provisions of this Act, and may dispose of any bread so seized or removed as the council may by by-law direct. 10 Edw. VII. c. 95, s. 9.

Duties of Inspector.

10. It shall be the duty of the Inspector to see that the provisions of this Act are complied with, and he shall make a report quarterly to the council showing the prosecutions taken and the quantity of bread seized or tested under this Act. 10 Edw. VII. c. 95, s. 10.

When person selling or making light weight bread not liable to penalties.

11. Where a loaf weighing less than the prescribed weight is found, the person making or offering for sale or selling the same shall not be liable to the penalties prescribed by this Act for making or offering for sale or selling bread of short weight unless at least ten loaves are found at the same time which in the aggregate are below the weight required by this Act; but any loaf found to be of short weight shall nevertheless be liable to seizure as hereinbefore provided. 10 Edw. VII. c. 95, s. 11.

Certificate of analyst as evidence.

12. The certificate of the Analyst or Assistant Analyst of the Provincial Board of Health in writing stating the result of any test made by him under the Act and purporting to be signed by him shall be *prima facie* evidence of the facts therein set forth, and shall be receivable without proof of the signature or of the official character of the person who appears to have signed the same in any prosecution under this Act. 10 Edw. VII. c. 95, s. 12.

Recovery of penalties. Rev. Stat. c. 90.

13. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*.

CHAPTER 225.

An Act for the Prevention of Fraud in the Sale of Fruit.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Fruit Sales Act*. Short title.
2. Every person who with intent to defraud: Penalty for
 - (a) Alters, effaces, obliterates, or covers wholly or partially, or causes to be altered, effaced, obliterated or covered, any packer's marks or brands made on any article in which any fruit is offered for sale, or Altering or defacing marks.
 - (b) Counterfeits any such marks or brands, or writes the same on any such article after the same has been once marked, or Counterfeiting marks.
 - (c) Empties or partially empties any such marked article, in order to put into the same any other fruit of the same or any other kind not contained therein at the time of the original marking, or Using marked article improperly.
 - (d) Uses for the purpose of packing fruit any article bearing marks or brands previously made by any other packer, or Using article previously marked.
 - (e) Falsely states the grade of fruit packed in the article marked, or the name or address of the packer, or the weight or measure of the fruit so packed, Making false marks.

and every person who knowingly and with intent to defraud so places or arranges apples, pears, plums, peaches, nectarines, cherries, grapes, apricots or berries of any description in any box, crate, barrel, basket or other article for delivery to any other person in such a manner as to conceal defects in size or quality in any portion of such fruit by covering the same with fruit of larger size or better quality or otherwise shall incur a penalty of not less than \$1 nor more than \$5 recoverable under *The Ontario Summary Convictions Act*. Packing so as to conceal defects in fruit. Rev. Stat. c. 90, R.S.O. 1897, c. 253, ss. 1, 2.

3. Every person receiving fruit of any kind mentioned in the preceding section for sale in bulk on commission shall, when requested to do so by the consignor in writing, furnish Consignee to notify consignor of particulars of sales.

the said consignor, within one week after receiving notice or after disposing of the fruit as may be requested, with a written detailed statement in regard to the sale or disposal of the same, giving the price or prices received therefor and the names and addresses of the purchasers. R.S.O. 1897, c. 253, s. 3.

Prosecution
not to bar
other pro-
ceedings.

4. No prosecution or conviction under this Act shall be a bar to any proceeding for the recovery of penalties which may be imposed under any other Act, nor to any action for the recovery of damages which may be brought by any person injured or defrauded by the sale of fruit in violation of the provisions of this Act, but all such penalties may be recovered and all such actions may be brought in the same manner as if this Act had not been passed. R.S.O. 1897, c. 253, s. 4.

CHAPTER 226.

An Act to prevent the Fraudulent Entry of Horses at Exhibitions.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Entry of Horses at Ex-* Short title.
hibitions Act.

2. No person shall enter or cause to be entered for compe- Prohibition of
tition for any purse, prize, premium, stake or sweepstake fraudulent
offered or given by any agricultural or other society or entries for
association, where the contest is to be decided by speed, any races.
horse, colt or filly under a false or assumed name or pedigree,
or in a class different from that to which such horse, colt or
filly properly belongs by the rules of the society or associa-
tion in which such contest is to take place. R.S.O. 1897, c. 254,
s. 1.

3. The name of a horse, colt or filly, for the purpose of Name not to
entry for such competition in any contest of speed, shall not be changed
be changed after having once been entered in any such con- after entry.
test, except as provided by the code of rules of the society or
association under which the contest is conducted. R.S.O.
1897, c. 254, s. 2.

4. The class to which a horse, colt or filly properly belongs, Classification
for the purpose of entry in any such contest of speed, shall of horses, etc.,
be determined by the public performance of such horse, colt for purposes
or filly in some former, if any, contest or trial of speed, as of contest.
provided by the rules of the society or association under which
the proposed contest is to be conducted. R.S.O. 1897, c. 254,
s. 3.

5. Any person who violates any of the provisions of this Penalty for
Act shall incur a penalty of not less than \$50 nor more than violation of
\$200, recoverable under *The Ontario Summary Convictions Act.*
Act, except that the prosecution may be commenced within two
years from the commission of the offence, and in case of non-
payment of the penalty imprisonment may be imposed for a
term not exceeding six months. R.S.O. 1897, c. 254, s. 4.

CHAPTER 227.

An Act respecting Fraud by Debt Collectors.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title

1. This Act may be cited as *The Debt Collectors' Act*.

Penalty for issuing a process of a Division Court.

Rev. Stat.

1897, c. 255, s. 1.

2. Every person, whether principal or agent, who prints or publishes any notice or form which is an imitation or a colourable imitation of any of the forms appended to *The Division Courts Act*, and which is calculated to deceive the public by inducing the belief that such notice or form is a notice or form from the said Court, or is part of the process of a Division Court, or who issues or makes use of any such notice or form in connection with any collection agency or otherwise, shall incur a penalty not exceeding \$20, for every day on which any such offence is committed, recoverable under *The Ontario Summary Convictions Act*. R.S.O. 1897, c. 255, s. 1, *amended*.

Rev. Stat.

1897, c. 255, s. 1.

9. PROTECTION OF THE PERSON.

CHAPTER 228.

An Act for the Protection of Persons Employed in the Construction of Buildings.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Buildings Trades Protection Act*. 1 Geo. V. c. 71, s. 1. Short title.

2. In this Act,

Interpre-
tation.

(a) "Building" shall include any structure roofed in or intended to be roofed in and capable when completed of affording protection and shelter; "Building."

(b) "Inspector" shall mean an inspector appointed by a municipal council or by the Lieutenant-Governor in Council for the purpose of enforcing the provisions of this Act. 1 Geo. V. c. 71, s. 2. "Inspector."

3. The council of every city, town, township and village shall, by by-law, appoint a sufficient number of competent persons to be inspectors for the purpose of enforcing the provisions of this Act in the municipality. 1 Geo. V. c. 71, s. 3. Appoint-
ment of
inspectors.

4. The Lieutenant-Governor in Council may appoint inspectors to enforce this Act in territory without municipal organization. 1 Geo. V. c. 71, s. 4. In
unorgan-
ized ter-
ritory.

5.—(1) Where any inspector appointed under this Act finds that any provision of this Act is being violated in the case of any building, he may give such orders in writing as may, in his opinion, be required to secure due compliance with such provision, and upon any such order being made and until the same is carried out the work upon that part of the building in which the default occurs shall be suspended. Power of
inspector to
give orders.

(2) Every person to whom the order of the inspector is directed who disobeys or who knowingly permits any person under his direction and control to disobey any such order or to carry on work in violation of subsection 1 before the order Penalty
for disobe-
dience.

is carried out shall incur a penalty not exceeding \$50 for every day upon which such default occurs. 1 Geo. V. c. 71, s. 5.

Protection
of persons
employed
on build-
ings.

6. In the erection, alteration, repair, improvement or demolition of any building, no scaffolding, hoists, stays, ladders, flooring or other mechanical and temporary contrivances shall be used which are unsafe, unsuitable or improper, or which are not so constructed, protected, placed and operated as to afford reasonable safety from accident to persons employed or engaged upon the building. 1 Geo. V. c. 71, s. 6.

Regula-
tions.

7. The following regulations shall be complied with in the erection, alteration, repair, improvement or demolition of every building:

Scaffolding.

1. The floors of all scaffolding whether standing or suspended from overhead shall be at least four feet wide and there shall be a railing or guard not less than three feet nor more than four feet from the flooring on the outside of the scaffolding for the protection of persons working thereon;

Suspended
scaffolding.

2. Where the scaffolding or staging is swung or suspended from an overhead support, it shall be so secured as to prevent its swaying to and fro;

Securing
scaffolding.

3. Where poles are used in scaffolding the poles shall be securely lashed at every point of contact, and where square timber is used in scaffolding the same shall be securely spiked or bolted at every point of contact;

Hoisting
lumber or
timber.

4. No lumber or timber shall be hoisted in a single sling;

Protection
of shafts
for hoists.

5. Where hoists are used for raising materials for use in buildings, the shafts or openings shall be protected at each floor by a barrier not less than three feet nor more than four feet from the level of the floor, and the barrier shall be placed not less than two feet from the edge of the shaft or opening in which the hoist is operated. 1 Geo. V. c. 71, s. 7.

Require-
ments as to
completion
of arched
floors, etc.

8.—(1) Where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fire-proof material, the flooring or filling in shall be completed as the building progresses to not less than within three tiers of beams below that on which the iron work is being erected.

Completion
of floor
where fire-
proof filling
not required.

(2) Where the plans and specifications do not require filling in between the beams of floors with fire-proof material or brick work, the contractor for the carpenter work, in the course of construction, shall lay the under flooring of the

building on each storey as the building progresses to not less than within two storeys below the one to which the building has been erected.

(3) Where double floors are not to be used, such contractor shall keep planked over the floor two storeys below the storey where the work is being performed. Where double floors not used.

(4) If the floor beams are of iron or steel, the contractor for the iron or steel work of a building in course of construction or the owner of such a building shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work and for the raising or lowering of materials to be used in the construction of such building, and such spaces as may be designated by the plans and specifications for stairways and elevator shafts. 1 Geo. V. c. 71, s. 8. Where floor beams of iron or steel.

9. In the case of what are known as skeleton steel frame buildings, compliance with the following regulations shall be sufficient and it shall not be necessary to comply with the requirements of section 8: Skeleton steel frame buildings.

1. As soon as the steel frame of a building is erected to the first column splice above the first floor level, a flooring of two inch planking shall be laid over floor beams on the floor immediately below the first column splice, making a temporary floor over that part of the area of the building inside columns at that level, except in places where it is necessary to have openings for the passage of material for building above that point; and when erection has reached a point level with the next column splice, the planking used as temporary floor at first column splice shall be removed and placed as before at second splice, and so on to the top of the building; Temporary flooring.
2. A double flooring of two inch planking shall be laid down immediately under any derrick for a sufficient space about the derrick to protect workmen on the floors below that on which the derrick is working and to hold with safety the materials hoisted by the derrick. Double flooring where derrick in use.
3. Rivetters' staging shall be so constructed as to secure the reasonable safety of the rivetters and a temporary floor must be provided on the girders and floor beams immediately below the portion of the floor upon which the rivetters are working, sufficient for the protection of workmen engaged below that floor. Rivetters' staging.
4. The steel work may be carried on in advance of the construction of permanent floors. Steel work in advance of permanent flooring.

In cities
and towns.

10. In cities and towns the following regulations shall be complied with in erecting, altering, or repairing any building:

Passage
way in
front of
buildings
in course of
erection.

1. When the work is located on the line of any street or within three feet of the inside line of the sidewalk of any street, before any of the work above the sidewalk or footway is commenced, there shall be erected over the sidewalk or footway of the street a covered passageway or independent structure not less than eight feet high at the lowest side above the level of the sidewalk or footway and of sufficient strength to protect the public using the sidewalk or footway.

Barricade.

2. If a building is to be erected within seven feet of the inside line of the sidewalk on any street, a strongly constructed close-boarded fence or barricade, not less than six feet high, shall be erected along the inside line of such sidewalk.

Free passage
of water.

3. No person shall place any stone, brick, lumber, or any building material, fence, barricade or temporary sidewalk so as to obstruct the free passage of water in the drains, gutters or water courses; and the roofs of all covered ways shall be kept clear of any material whatever. 1 Geo. V. c. 71, s. 10.

Saving of
provisions of
municipalities.

11. Nothing in this Act shall affect any by-law relating to the matters mentioned herein lawfully passed by a municipal council, or the authority of a municipal council to pass any such a by-law, so far as such by-law imposes additional or more stringent requirements than those imposed by this Act. 1 Geo. V. c. 71, s. 11.

Prosecutions.

12. *The Ontario Summary Convictions Act* shall apply to every prosecution under this Act. 1 Geo. V. c. 71, s. 12.

Restriction
on application
of Act.

13. Sections 7, 8 and 9 of this Act shall not apply to any building not more than two storeys in height nor to any farm building nor to any work being done upon a building by the owner or occupant thereof in person. 1 Geo. V. c. 71, s. 13.

CHAPTER 229.

An Act for the Protection of Persons Employed in Factories, Shops and Office Buildings.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

PART I.

PRELIMINARY.

Short Title.

1. This Act may be cited as *The Factory, Shop and Office Building Act*. 3-4 Geo. V. c. 60, s. 1.

Interpretation.

2. In this Act,

- (a) "Bake-shop" shall mean any building, premises, workshop, structure, room or place wherein is carried on the manufacture or sale of confectionery, or of bread, biscuits, cakes or any other food product made from flour, or from meal or from both, in whole or in part, and shall include any room or rooms used for storing the confectionery, bread, biscuits, cakes and other food products and materials; Interpretation.
"Bake-shop."
- (b) "Child" shall mean a person under the age of fourteen years;
- (c) "Court" shall mean the justices of the peace or police magistrate, as the case may be, to whom jurisdiction is given by this Act to hear and determine prosecutions under this Part; "Court."
- (d) "Employer" as applied to a factory or shop shall mean any person who in his own behalf, or as the manager, superintendent, overseer or agent has charge of any factory, shop or bakeshop and employs persons therein, and in the case of an office building shall include the superintendent, manager or caretaker thereof; "Employer."
- (e) "Factory" shall mean: "Factory."

- (i) any building, workshop, structure or premises of the description mentioned in Schedule A, together with such other buildings structures or premises as the Lieutenant-Governor in Council may by proclamation declare to be factories within the meaning of this Part,
- (ii) any other building, workshop, structure, premises, room or place wherein or within the precincts of which steam, water, electrical power or energy or other power is used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incidental to the preparing, manufacturing or finishing of any article, substance, material, fabric or compound, or is used to aid the manufacturing process carried on there,
- (iii) any other building, workshop, structure, premises, room or place wherein the employer of the persons working there has the right of access and control, and in which or within the precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to the making of any article or part of any article, the altering, repairing, ornamenting or finishing of any article, or the adapting for sale of any article;

"Inspector" (f) "Inspector" shall mean an inspector appointed by the Lieutenant-Governor in Council for enforcing the provisions of this Part and shall include the Chief Inspector;

"Mill gearing." (g) "Mill-gearing" shall include every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley or other appliance by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process;

"Minister." (h) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Part;

"Office." (i) "Office" shall include a building or that part of a building occupied and under the control of a separate employer and used for office purposes;

"Office building." (j) "Office building" shall mean a building used or occupied for office purposes and not as a shop or factory, and shall include a part of a building when so used or occupied;

- (k) "Owner" shall mean the person for the time being "Owner." entitled in his own right or as a trustee, mortgagee in possession, guardian, committee, agent or otherwise to receive the rents, issues and profits of any premises used as a factory, shop, bake-shop or office building so far as such rents, issues and profits are not payable solely in respect of the use or occupancy of land apart from any buildings or other improvements erected or situate thereon;
- (l) "Parent" shall mean a parent or guardian of, or a "Parent." person having the legal custody of, or the control over, or having direct benefit from the wages of a child, youth or young girl;
- (m) "Regulations" shall mean regulations made by the "Regulations." Lieutenant-Governor in Council under the authority of this Part;
- (n) "Shop" shall mean any building or a portion of a "Shop." building, booth, stall or place where goods are handled or exposed or offered for sale, and any such building or portion of a building, booth, stall or place where goods are manufactured and which is not a factory to which this Act applies; but shall not include any place where the only trade or business carried on is that of a licensed hotel or tavern;
- (o) "Week" shall mean the period between midnight "Week." on Sunday night and midnight on the succeeding Saturday night;
- (p) "Woman" shall mean a woman of eighteen years "Woman." of age and upwards;
- (q) "Young girl" shall mean a girl of the age of four- "Young girl." teen and under the age of eighteen years;
- (r) "Youth" shall mean a male of the age of fourteen "Youth." and under the age of sixteen years. 3-4 Geo. V. c. 60, s. 2.

Application of Act.

3.—(1) Nothing in this Part shall in any way conflict or interfere with the powers and duties of local boards of health or the officers appointed under *The Public Health Act*. Act not to
ff ct.

Rev. Stat.
c. 218.

(2) For the purposes of this Part in respect to sanitary measures the Chief Officer of Health or any health officer may act jointly with, or independently of the Inspector under this Part. 3-4 Geo. V. c. 60, s. 3. Administra-
tion.

Act not to
apply to
persons
working
only at
repairs.

4. Nothing in this Part shall extend to a mechanic, artisan or labourer working only in repairing either the machinery in or any part of a factory, shop, bakeshop or office building. 3-4 Geo. V. c. 60, s. 4.

When sepa-
rate factory.

5.—(1) A part of a building used as a factory, shop, bakeshop or office building may, with the written approval of an Inspector, for the purposes of this Part be taken to be a separate factory, shop, bakeshop or office building.

Dwelling or
sleeping
room not
part of
factory.

(2) A place used as a dwelling or sleeping room only shall not be deemed to form part of a factory, shop, bakeshop or office building for the purposes of this Part.

When sepa-
rate and
when part.

(3) Where a place situate within the close or precincts forming a factory is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory such place shall not be deemed to form part of that factory, for the purposes of this Part, but shall, if otherwise it would be a factory, be deemed to be a separate factory and be regulated accordingly.

When
premises
in open
air not
excluded.

(4) Any premises or place shall not be excluded from the definition of a factory by reason only that such premises or place are or is in the open air. 3-4 Geo. V. c. 60, s. 5.

Certain
laundries to
be deemed
factories.

6.—(1) Every shop, building or room in which one or more persons are employed in doing public laundry work by way of trade or for the purpose of gain shall be deemed a factory to which this Part applies.

Home
laundry
work
excepted.

(2) This section shall not apply to a dwelling in which a female is engaged in doing custom laundry work at her home for a regular family trade. 3-4 Geo. V. c. 60, s. 6.

Where not
more than
five em-
ployed and
no power.

7.—(1) Except as otherwise expressly provided this Part shall not apply to any factory where not more than five persons are employed and no power other than manual labour is used in aid of the manufacturing process carried on there.

Where more
than five
sometimes
employed.

(2) A factory in which in any calendar year more than five persons are employed at any one time shall during that year be deemed a factory unless the Inspector is satisfied that less than six persons are usually employed therein.

Members of
family at
home in
shop.

(3) This Part shall not apply to any shop where only members of the employer's own family dwelling in a house to which the shop is attached are employed at home. 3-4 Geo. V. c. 60, s. 7.

Who to be
deemed
employed.

8.—(1) Where any owner, occupier or tenant of any premises, building, workshop, structure, room or place who has the right of access thereto and control thereof contracts for work or labour to be done therein by any other person, or lets or hires out any part thereof for that purpose, and such

other person engages or employs therein any workman, child, youth, young girl or woman in or for the carrying out or performing of such work or labour, or any part thereof, every such workman, child, youth, young girl or woman shall, for all the purposes of this Part, be deemed to be in the service and employment of such owner, occupier or tenant.

(2) In computing the number of persons employed in any place in order to ascertain if such place is a factory to which this Part applies every such workman, child, youth, young girl or woman shall be counted. Mode of computing numbers employed. 3-4 Geo. V. c. 60, s. 8.

9.—(1) Every person found in a factory, except at meal times or except while all the machinery of the factory is stopped, or for any other purpose than that of bringing food to the persons employed in the factory, shall, until the contrary is proved, be deemed for the purposes of this Part to have been then employed in the factory. Evidence as to employment.

(2) Yards, playgrounds and places open to public view, waiting rooms and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on shall not be taken to be part of the factory for the purposes of this section. Yards and places not part of factory. 3-4 Geo. V. c. 60, s. 9.

10.—(1) A child, youth, young girl or woman who works in a factory, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made, or otherwise the subject of the manufacturing process or handicraft therein shall, save as is herein otherwise provided, be deemed to be employed in such factory. When a child, youth, young girl, or woman to be deemed employed.

(2) For the purpose of this section an apprentice shall be deemed to work for hire. Apprentices. 3-4 Geo. V. c. 60, s. 10.

11.—(1) In every factory and shop the employer shall keep a register of the children, youths, young girls and women employed in the factory and shop and of their employment, Forms 1 and 2 in Schedule B, and shall send to the Inspector such extracts from any register kept in pursuance of this Part as the Inspector from time to time requires for the execution of his duties, and shall permit the Inspector at all times to inspect such register. Register of children.

(2) For every contravention of this section the employer shall incur a penalty not exceeding \$30. Penalty. 3-4 Geo. V. c. 60, s. 11.

12.—(1) On the first page of every register kept by an employer pursuant to this Part, or to the regulations made by the Lieutenant-Governor in Council, shall be printed the Form 4 to be printed on first page of register.

Form 4 in Schedule B, and the same shall be properly filled up and signed by the Inspector and the employer when such register is commenced to be kept.

Forms of notice may be altered or modified.

(2) The forms of notice mentioned in Schedule B may be altered or modified by regulation of the Lieutenant-Governor in Council. 3-4 Geo. V. c. 60, s. 12.

Who to be deemed employer of children, etc., in certain cases.

13. Where, in a factory or shop, the owner or hirer of a machine or implement moved by steam, water, electrical power or energy or other power in or about or in connection with which machine or implement any child, youth, young girl or woman is employed, is some person other than the employer, and such child, youth, young girl, or woman is in the employment and pay of the owner or hirer of such machine or implement he shall, so far as respects any offence against this Part which may be committed in relation to such child, youth, young girl or woman, be deemed to be the employer. 3-4 Geo. V. c. 60, s. 13.

Plans to be submitted to Inspector.

14. Before erecting any building or altering any existing building which it is intended thereafter to use as a factory the owner shall submit the plans of such building or of the proposed alterations to the Inspector; and the Inspector shall examine the same, and if he finds that the plans provide for the fulfilment of the requirements of this Act as to the construction of factories, he shall certify his approval thereon, and the owner shall not proceed with the erection or alteration of such building without such approval. 3-4 Geo. V. c. 60, s. 14.

Certificate of inspection before operating factory.

15.—(1) The owner, proprietor or manager of any factory shall not begin operations until he has received from the Inspector a certificate of inspection of the factory and a permit to operate the same.

Penalty.

(2) Any person who contravenes the provisions of this section shall incur the penalties provided for in section 72. 3-4 Geo. V. c. 60, s. 15.

Notice to be sent to inspector by person occupying factory.

16. Every person shall, within one month after he begins to occupy a factory, transmit to the Inspector a notice, Form 7, Schedule B, containing the name of the factory, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall incur a penalty not exceeding \$30. 3-4 Geo. V. c. 60, s. 16.

Penalty.

ADMINISTRATION.

Power of Lieutenant-Governor in Council.

17. The Lieutenant-Governor in Council may for the purpose of carrying out this Part

- (a) appoint as many Inspectors, male or female, as may be deemed necessary, one of whom he may designate as Chief Inspector who shall have the general supervision and direction of the other Inspectors and of the carrying out of the provisions of this Part; Appointment of Inspector and Chief Inspector.
- (b) make such regulations for carrying out the provisions of this Part as may be deemed necessary. Regulations for carrying out provisions of Act.
3-4 Geo. V. c. 60, s. 17.

18.—(1) Every Inspector may, in the execution of this Act and for enforcing the Regulations, Powers of inspector.

- (a) enter, inspect and examine at all reasonable times by day or night any factory, shop, bakeshop or office building when he has reasonable cause to believe that any person is employed therein, and enter by day any place which he has reasonable cause to believe is a factory, shop, bakeshop or office building; Inspection at reasonable times.
- (b) require the production of any register, certificate, notice or document required by this Part to be kept, and inspect, examine and copy the same; Require production of registers, etc.
- (c) take with him a constable into a factory, shop, bakeshop or office building in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty; Take constable with him.
- (d) make such examination and enquiry as may be necessary to ascertain whether the provisions of this Part are complied with so far as respects the factory, shop, bakeshop or office building and the persons employed therein; Make examination and enquiry.
- (e) examine either alone or in the presence of any other persons, as he thinks fit, with respect to matters under this Part, every person whom he finds in a factory, shop, bakeshop or office building, or whom he has reasonable cause to believe to be, or to have been within the two preceding months, employed in a factory, shop, bakeshop or office building, and require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; Examine persons.
- (f) for the purpose of any investigation, inquiry or examination made by him under the authority of this Part, administer an oath to and summon any person to give evidence; Administer oaths.
- (g) exercise such other powers as may be necessary for carrying out the provisions of this Part. Exercise other powers.

Duty of
owner and
employer.

(2) The owner and employer and his or their agents and servants shall furnish all necessary means in his or their power required by the Inspector for any entry, inspection, examination, inquiry or the exercise of his powers in relation to such factory, shop, bakeshop or office building.

Obstructing
Inspector.

(3) Every person who wilfully delays the Inspector in the exercise of any power under this section, or who fails to comply with a requisition or summons of the Inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or attempts to conceal, or prevents or attempts to prevent a child, youth, young girl or woman from appearing before or being examined by the Inspector shall be deemed to obstruct an Inspector in the execution of his duties under this Part.

Penalty for
obstructing.

(4) Where the Inspector is obstructed in the execution of his duties the person obstructing him shall incur a penalty not exceeding \$30; and where he is so obstructed in a factory, shop, bakeshop or office building the employer shall incur a penalty not exceeding \$30 or where the offence is committed at night \$100. 3-4 Geo. V. c. 60, s. 18.

Certificate
of appoint-
ment.

(5) Every Inspector shall be furnished with a certificate of his appointment under the hand and seal of the Minister and on applying for admission to any premises shall, if required, produce such certificate. 3-4 Geo. V. c. 60, s. 19.

Production.

Inspector
may take
medical
practitioner
etc., into
factory.

(6) The Inspector, whenever he deems it necessary, may take with him into any premises a legally qualified medical practitioner, medical officer of health or sanitary inspector. 3-4 Geo. V. c. 60, s. 20.

Warrant for

occupier.

(7) (1) The Inspector, before entering, in pursuance of the powers conferred by this Part without the consent of the occupier, any room or place actually used as a dwelling, shall obtain such warrant as is hereinafter mentioned from a justice of the peace.

Issue of
warrant.

(2) The justice, if satisfied by information on oath that there is reasonable cause to suppose that any provision of this Part is contravened in any such room or place, shall grant a warrant under his hand authorizing the Inspector named therein, at any time not exceeding one month from the date thereof, to enter the room or place named in the warrant and exercise therein the powers of inspection and examination conferred by this Act; and the provisions of this Part with respect to obstruction of the Inspector shall apply. 3-4 Geo. V. c. 60, s. 21.

When
Inspector
may object
to give
evidence.

(3) Where an Inspector is called as a witness he may, by the direction and on behalf of the Attorney-General or of a member of the Executive Council, object to giving evidence

as to any premises inspected by him in the course of his duty.
3-4 Geo. V. c. 60, s. 22.

23.—(1) There shall be affixed at the entrance of a factory and in such other convenient parts of every factory, shop, bakeshop and office building as the Inspector directs, and be constantly kept so affixed in the form directed by the Inspector and in such position as to be easily read by the persons employed—

- (a) such notices of the provisions of this Part and of any regulations made thereunder as the Inspector deems necessary to enable the persons employed to become acquainted with their rights, liabilities and duties under this Part; Of provisions of Act and regulations affixed in factory.
- (b) a notice of the name and address of the Inspector; Name and address of Inspector.
- (c) in the case of a factory a notice of the clock, if any, by which the period of employment and times for meals in the factory are regulated; Clock by which period of employment is regulated.
- (d) every other notice and document required by this Part to be so affixed. Other notices.

(2) In the event of a contravention of any provision or requirement of this section the employer shall incur a penalty not exceeding \$20; and any person who pulls down, alters or defaces any such notice shall incur a like penalty. 3-4 Geo. V. c. 60, s. 23. Penalty.

24.—(1) Any notice, order, requisition, summons or document required or authorized to be served or sent for the purposes of this Part may be served or sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or where that person is an employer by delivering the same, or a true copy thereof, to his agent or to some person in the factory, shop, bakeshop or office building of which he is employer. Notices, etc., and mode of service. By delivering same.

(2) Such notice, order, requisition, summons or document may also be served or sent by post, and if so served or sent shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that it was properly addressed and mailed; and where it is required to be served on or sent to an employer it shall be deemed to be properly addressed if addressed to the factory, shop, bakeshop or office building in respect of which he is employer, with the addition of the proper postal address, but without naming the employer. 3-4 Geo. V. c. 60, s. 24. By mailing.

EMPLOYMENT.

Children, Youths, Young Girls and Women.

Child not to be employed except as in sec. 26.

25. No child shall be employed in any factory except in the business of canning or desiccating fruits or vegetables or the work incidental thereto as provided in section 26. 3-4 Geo. V. c. 60, s. 25.

Employment of children in gathering and preparing fruits and vegetables for canning or desiccating purposes.

26. A child between the ages of twelve and fourteen years and, when employed solely out of doors, a child under twelve years of age may, notwithstanding anything contained in this Part, be employed from the 15th day of June to the 15th day of September, both inclusive, in such gathering and preparation of fruits or vegetables for canning or desiccating purposes as may be required to be done prior to the operation of cooking or other process requisite in connection with the canning or desiccating of fruits or vegetables. 3-4 Geo. V. c. 60, s. 26.

Person under twelve not to be employed in shop. Prohibiting employment of young girls and youths.

27. No person under twelve years of age shall be employed in any shop. 3-4 Geo. V. c. 60, s. 27.

28. The Lieutenant-Governor in Council may by proclamation prohibit the employment of young girls and youths in factories the work in which he deems dangerous or unwholesome. 3-4 Geo. V. c. 60, s. 28.

Children not to be employed in shops during school hours. Rev. Stat. c. 274.

29. No child shall be employed in any shop during school hours unless such child shall have furnished to the employer a certificate issued in accordance with the provisions of *The Tenancy Act* permitting the absence of the child from school, and such certificate shall be kept on file by the employer and produced whenever called for by the Inspector. 3-4 Geo. V. c. 60, s. 29.

Seats to be provided for female employees.

30.—(1) In any shop in which young girls or women are employed the employer shall at all times provide and keep therein a sufficient and suitable chair or seat for the use of every such young girl or woman, and shall permit her to use such chair or seat when not necessarily engaged in the work or duty for which she is employed; and the employer shall not by any open or covert threat, rule or other intimation, expressed or implied, or by any contrivance, prevent any female employee from using such chair or seat.

Penalty.

(2) Any person who contravenes any of the provisions of this section shall incur a penalty of not less than \$10 nor more than \$25. 3-4 Geo. V. c. 60, s. 30.

Where cooking, etc., in connection with canning carried on to be separate from factory, etc.

31. The place, room or apartment in which a child is employed under the provisions of section 26 shall be separate from any other wherein the cooking or other process in connection with or in the canning or desiccating of fruits or vegetables is carried on. 3-4 Geo. V. c. 60, s. 31.

Hours of Employment.

32. Except as provided in sections 33, 34 and 35, in a factory or shop Generally.

- (a) no child, youth, young girl or woman shall be employed for more than ten hours in one day, unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on such day of the week as may be arranged; nor shall any such person be so employed for more than sixty hours in any one week; Total length, daily. And weekly.
- (b) the hours of labour for any such person in any one day shall not be earlier than seven o'clock in the forenoon or later than half-past six o'clock in the afternoon in a factory or six o'clock in the afternoon in a shop unless a special permit in writing is obtained from the Inspector; Hours of labour.
- (c) no child, youth, young girl or woman who has been previously on any day employed in any factory or shop for the number of hours permitted by this Part shall, to the knowledge of the employer, be employed on the same day in any other factory or shop, and no such person who has been so employed in a factory or shop for less than such number of hours shall be employed in any other factory or shop on the same day for a longer period than will complete such number of hours; Employment in two different places.
- (d) the employer shall allow every child, youth, young girl or woman not less than one hour at noon of each day for meals, and such hour shall not be counted as part of the time herein limited for the employment of any such person. 3-4 Geo. V. c. 60, s. 32. Time for meals.

33. A child between twelve and fourteen years of age and a youth, young girl or woman may be employed in a shop between the hours of seven o'clock in the morning and ten o'clock in the afternoon on Saturday and the day next before a statutory holiday, and during the period from the 14th day of December to the 24th day of December, both inclusive, in each year. 3-4 Geo. V. c. 60, s. 33. Hours of employment from December 14 to 24.

34.—(1) Subject to the Regulations, where

- (a) any accident which prevents the working of a factory happens to the motive power; or Exemption by Inspector. Accidents to motive power.
- (b) from any other occurrence beyond the control of the employer the machinery, or any part of the machinery, of any factory cannot be regularly worked; or Machinery unworkable.

Customs or exigencies of trade.

- (c) the customs or exigencies of trade require that the youths, young girls or women working in a factory, or in certain processes in a factory, shall be employed for longer than the prescribed period,

the Inspector may, on proof to his satisfaction of such accident, occurrence, custom or exigency of trade, give permission in writing for such exemption from the observance of the foregoing provisions as will, in his judgment, fairly and equitably to the employers of, and to the youths, young girls and women in such factory, make up for any loss of labour from such accident or occurrence or meet the requirements of such custom or exigency of trade;

Hours of employment during period of exemption.
Not before 6 a.m. and after 9 p.m.

- (2) If the Inspector permits such exemption

- (a) no youth, young girl or woman shall be employed before the hour of six o'clock in the morning nor after the hour of nine o'clock in the afternoon;

Not more than 12 ½ hours a day

- (b) the hours of labour for youths, young girls and women shall not be more than twelve and a half in any one day nor more than seventy-two and a half in any one week;

Period of exemption.

- (c) such exemption shall not comprise more than thirty-six days in the whole in any twelve months; and in reckoning such period of thirty-six days every day on which the youth, young girl or woman has been employed overtime shall be taken into account;

Time for additional meal during period of exemption.

- (d) during the continuance of such exemption, in addition to the hour for the noonday meal, there shall be allowed to every youth, young girl or woman so employed in the factory on any day to an hour later than seven of the clock in the afternoon not less than forty-five minutes for another meal between five and eight of the clock in the afternoon; and

Notice of particulars of exemption.

- (e) in every factory with respect to which any such permission for exemption is given there shall, in compliance with the provisions of section 23, be affixed a notice specifying the extent and particulars of such exemption. 3-4 Geo. V. c. 60, s. 34.

Employment of women in factories for canning or desiccating fruit from July to October.

225.—(1) Women may be employed to a later hour than half-past six o'clock in the afternoon during the months of July, August, September and October in a factory where the only work or operations carried on relate to and are exclusively such as may be necessary for the canning or desiccating of fruits or vegetables and the preparation thereof for that purpose.

(2) No woman shall be so employed to a later hour than nine o'clock in the afternoon for more than twenty days in the whole, and in reckoning such twenty days every day on which she has been so employed to a later hour than nine o'clock in the afternoon shall be counted. Women not to be employed later than 9 p.m. nor more than 20 days.

(3) Where a woman is so employed on any day to a later hour than seven o'clock in the afternoon she shall, in addition to the hour for the noonday meal provided for by section 32, be allowed not less than forty-five minutes for another meal between five and eight of the clock in the afternoon. 3-4 Geo. V. c. 60, s. 35. Meals when working overtime.

36. The hours of labour for a child between twelve and fourteen years of age in a canning factory shall be limited to the time between seven o'clock in the forenoon and six o'clock in the afternoon, or such other hours of the day as may be permitted by the Inspector; but no such child shall be allowed to work more than ten hours in any one day. 3-4 Geo. V. c. 60, s. 36. Hours of labour for child in canning factory.

37. Where any youth, young girl or woman is employed in any factory for a longer period, or until a later hour than is prescribed by sections 34 and 35, the duration of such employment shall be daily recorded by the employer in a register, Form 3 of Schedule B, or in such other form as may be prescribed by the Regulations. 3-4 Geo. V. c. 60, s. 37. Particulars to be recorded by employer in case of exemption.

38. Notice of the hours between which children, youths, young girls or women may be employed in a factory shall be in Form 5, Schedule B, or in such other form as may be prescribed by the Regulations, and shall be signed by the Inspector and by the employer, and shall be posted up during the period covered by such notice in such conspicuous place or places in the factory as the Inspector requires. 3-4 Geo. V. c. 60, s. 38. Notice of hours of employment to be affixed in factory.

Meals on Premises.

39. In a factory or shop in which any child, youth, young girl or woman is employed, Taking meals where manufacturing going on.

(a) if the Inspector so directs in writing the employer shall not allow any such person to take meals in any room in which any manufacturing process is then being carried on;

(b) after being directed by the Inspector in writing so to do the employer shall, at his own expense, provide a suitable room or place in the factory or shop or in connection therewith for the purposes of a dining and eating room for persons employed in the factory or shop, no part of the expense of Providing dining and eating rooms.

which shall be payable by or chargeable to the wages of the employees;

Food not to be taken in room where poisonous substances exposed.

- (c) no person shall take or be allowed to take food into any room where paint, varnish, dye, white lead, arsenic or any other poisonous substance is exposed, or where deleterious fumes, dust or gases are known to be present, and drinking water in any such room shall be taken directly from taps or suitably closed receptacles. 3-4 Geo. V. c. 60, s. 39.

Unlawful employment in contravention of ss. 32 to 36.

40. Where a child, youth, young girl or woman is employed in a factory or shop in which there is a contravention of any of the provisions of sections 32 to 36, or of any regulation made under section 34, such child, youth, young girl or woman shall be deemed to be unlawfully employed and so that his or her health is likely to be injured. 3-4 Geo. V. c. 60, s. 40.

HEALTH AND SAFETY.

Sanitary Regulations.

Conveniences for employees.

41.—(1) The owner of every building used as a factory, shop or office building shall

Providing privies and water-closets.

- (a) provide a sufficient number and description of privies, earth or water-closets and urinals for the employees of such factory, shop or office building, including separate sets for the use of male and female employees with separate approaches thereto, one closet for every 25 persons of each sex employed in the factory, shop or office building, and shall keep at the entrance to such closet a clearly painted sign indicating for which sex the closets are provided;

Remedying cause of effluvia.

- (b) be responsible for the remedying of any effluvia arising from any drain or defective plumbing and for any repairs required to keep the building in a safe and habitable condition;

Supplying drinking water.

- (c) arrange for a supply of pure drinking water available for each occupier.

Regulations.

(2) The Lieutenant-Governor in Council may prescribe such additional regulations with respect to such conveniences as may be deemed proper.

Contravention.

(3) The owner of every factory, shop or office building who for thirty days, or such extended period as the Inspector in writing allows, refuses or neglects to comply with the requirements of subsection 1 or of the Regulations after being notified in writing in regard to the same by the Inspector,

shall incur a penalty of not more than \$500 and in default of payment shall be liable to imprisonment for any period of not more than twelve months. 3-4 Geo. V. c. 60, s. 41.

42. A factory, shop or office building in which a contravention of the regulations made by The Hydro-Electric Power Commission of Ontario under *The Power Commission Act* occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. 3-4 Geo. V. c. 60, s. 42.

Penalty.
Contraven-
tion of regu-
lations of
Hydro-
Electric
Power Com-
mission.
Rev. Stat.
c. 39.

- 43.—(1) The employer of every factory or shop shall
- (a) keep it in a clean and sanitary condition and free from any effluvia arising from refuse of any kind;
 - (b) keep privies, earth or water-closets and urinals in good repair and in a sanitary condition, and keep closets separated for male and female employees, and provide conveniences to the satisfaction of the Inspector for the employees using them;
 - (c) heat the premises throughout and regulate the temperature so as to be suitable for the work to be performed therein, and not to be injurious to the health or comfort of the employees; but in no case shall the temperature be less than 60 degrees Fahrenheit, unless authorized by the Inspector in writing;
 - (d) ventilate the factory or shop in such a manner as to keep the air reasonably pure and so as to render harmless, as far as reasonably practicable, all gases, vapours, dust or other impurities generated in the course of any manufacturing process or handicraft carried on therein that may be injurious to health;
 - (e) not allow overcrowding while work is carried on therein so as to be injurious to the health of the persons employed therein, the standard to be allowed being 300 cubic feet of room space for each employee;
 - (f) provide a wash-room, clean towels, soap and a sufficient supply of wholesome drinking water and proper drinking cups for employees, and water-taps which shall be at least eight feet distant from any water-closet or urinal, and also, in the case of a foundry, shower baths for the employees; and
 - (g) if the manufacturing process carried on in any part of the premises renders the floor liable to be wet to such an extent that the health of any person

Sanitary
regulations.
Factory or
shop.
Effluvia
from refuse.

Privies and
water-
closets.

Tempera-
ture.

Ventilation.

Overcrowd-
ing.

Wash-
rooms,
drinking
cups, etc.

Damp floors.

employed therein is likely to be endangered see that adequate means are provided for the proper draining of such floors.

Spittoons.

(2) The Inspector may require the employer of any factory or shop to provide a sufficient number of spittoons and place the same in different parts of the premises and keep the same clean.

Dust.

(3) In every factory or shop where any process is carried on by which dust is generated and is inhaled by the workers to an injurious extent, then, subject to the Regulations, the Inspector may, if such inhalation can by mechanical means be prevented or partially prevented, direct that such means shall be provided within a reasonable time by the employer who shall be bound so to provide them.

Grinding, polishing or buffing.

(4) Where grinding, polishing or buffing is carried on in any factory or shop subsection 3 shall apply irrespective of the number of persons employed therein.

Employment of persons affected with disease.

(5) No employer shall knowingly permit or suffer any person to work in a factory or shop in which food or food products or materials are manufactured, stored or kept for sale or sold, who is affected with pulmonary tuberculosis or with scrofula, or with any venereal disease or with any communicable skin disease, and every employer shall keep himself and his employees in a reasonably healthy condition.

Contravention.

(6) The employer of a factory or shop who for thirty days refuses or neglects to comply with the requirements of this section or with the Regulations after being notified in writing in regard to the same by the Inspector shall incur a penalty of not more than \$500 and in default of payment shall be liable to imprisonment for a period of not more than twelve months. 3-4 Geo. V. c. 60, s. 43.

Sanitary regulations. Office. Office to be kept clean and sanitary.

44.—(1) Every employer of an office shall

(a) see that the office is kept in a clean and sanitary condition and properly ventilated, heated and lighted so as not to be injurious to the health or comfort of the persons employed therein;

No overcrowding.

(b) not allow overcrowding so as to be injurious to the health of the persons employed therein;

Towels, soap, drinking water and cups.

(c) provide a supply of clean towels, soap and a sufficient supply of wholesome drinking water and proper drinking cups for the persons employed therein.

Office building.

(2) Where in an office building the privies, closets or urinals or other conveniences are not situate in that part of the building occupied by and under the control of an employer it shall be the duty of the owner, and where such conveniences

Conveniences.

are situate in that part of the building occupied by and under the control of a separate employer, it shall be the duty of such employer to keep the same in good repair and in a sanitary condition.

(3) The owner of every office building shall at all times keep the same or such parts thereof as are used in common by the tenants or occupants thereof and are under his control in a clean and sanitary condition, and so as not to be injurious to the health of persons employed in the building or using or having access to the same. Clean and sanitary condition.

(4) Every owner or employer who, for thirty days or for such extended period as the Inspector allows, refuses or neglects to comply with the requirements of this section after being notified in writing in regard to the same by the Inspector shall incur a penalty not exceeding \$500 and in default of payment shall be liable to imprisonment for any period of not more than twelve months. 3-4 Geo. V. c. 60, s. 44. Penalty.

45. Where an owner is required by or under the provisions of this Act to do anything which as between him and his tenant it is not his but the tenant's duty to do, he shall be entitled to recover from the tenant the amount of any expenditure incurred in doing it. 3-4 Geo. V. c. 60, s. 45. Recovery by owner from tenant of expenditures.

46. Where two or more persons occupy or use the same room or premises as a factory and employ in the aggregate six persons or more, no one of them employing so many as six, such room or premises shall for the purposes of sections 41 and 43 be deemed a factory to which this Part applies. 3-4 Geo. V. c. 60, s. 46. Case of premises occupied by two persons.

47. Without the written consent of the Inspector no part of a factory shall be kept or used as a bedroom or sleeping place. 3-4 Geo. V. c. 60, s. 47. Restrictions as to sleeping places.

48. The provisions of section 47 shall not apply to a laundry in which not more than five persons are employed. 3-4 Geo. V. c. 60, s. 48. Exception as to laundries.

49. No public laundry work shall be done in a room used for a sleeping or living room or in a room used for cooking or preparing meals. 3-4 Geo. V. c. 60, s. 49. Laundry work not to be done in sleeping or living room.

50. The provisions of section 49 shall not apply to a female engaged in doing custom laundry work at her home for a regular family trade. 3-4 Geo. V. c. 60, s. 50. Certain laundresses excepted.

51. A stable shall not be kept or used under the same roof as a factory or bakeshop unless there is between the stable and the factory or bakeshop a sufficient brick or other partition wall approved by the Inspector separating the one from the other. 3-4 Geo. V. c. 60, s. 51. Restrictions as to stables.

Clothing Manufacturers.

Register of
name and
addresses of
persons to
whom work
or material
given.

52.--(1) Every person contracting for the manufacture of any garment, article of clothing or wearing apparel or any part thereof, or giving out the same to be wholly or partially altered or improved, or giving out for manufacture, alteration or improvement material from which the same are to be made up or completed, shall keep a written register of the name and address serially numbered of every person so contracted with or to whom any such garment, article or material is so given out, and of the places where the work is to be done.

Articles
altered, etc.,
to have label
attached.

(2) The register shall at all times be open to inspection by the Inspector, and the person required to keep it shall furnish a copy of the register to the Inspector whenever demanded by him.

Permission
to sell by
the in-
spector.

(3) No person shall knowingly sell or expose for sale any of the garments or articles mentioned in this section and made in any dwelling house, tenement house or building forming part of or in the rear of a tenement or dwelling house without a permit from the Inspector stating that the place of manufacture is thoroughly clean and otherwise in a good sanitary condition.

Permit to
state maxi-
mum num-
ber employ-
ed, and may
be revoked.

(4) Such permit shall state the maximum number of persons allowed to be employed upon the premises and shall not be granted until an inspection thereof has been made by the Inspector; and the permit may be revoked by the Inspector at any time if, in his opinion, the protection of the health of the community or of those so employed upon the premises renders such revocation desirable.

Articles in
unclean or
unhealthy
condition to
be im-
pounded.

(5) When any such garment or article is found by the Inspector to be made under unclean or unhealthy conditions, or upon any premises not entered on the register, he shall seize and impound the same and affix thereto a label bearing the words "unsanitary" printed on a tag not less than four inches in length; and shall immediately notify the local board of health whose duty it shall be to disinfect it and thereupon remove such label.

Articles to
be returned
after being
disinfected.

(6) The owner of any such garment or article shall be entitled after it has been disinfected to have the same returned to him upon first paying the expense of such seizure and disinfection.

Inspector
to report
unclean or
unhealthy
conditions
to local
board of
health.

(7) If the Inspector finds evidence of unclean or unhealthy conditions, or infectious or contagious disease present in any workshop or in any tenement or dwelling where any of the garments or articles hereinbefore mentioned are made, altered or improved, or in any goods manufactured or in process of manufacture on such premises, he shall forthwith report the facts to the local board of health which shall forthwith make

such order as the public health may require, or may condemn and destroy all such garments or articles, or any garment or article made, altered or improved or in process of manufacture under unclean or unsanitary conditions. 3-4 Geo. V. c. 60, s. 52.

Female Employees—Mode of Wearing Hair.

53.—(1) Young girls and women in a factory shall, during working hours, wear their hair rolled or plaited and fastened securely to their heads or confined in a close-fitting cap or net so as to avoid contact with machinery, shafting or belting or with the material being handled. Female employees regulations as to mode of wearing hair.

(2) The manager, superintendent, foreman or other person in charge shall see that employees are fully notified of the provisions of this section. 3-4 Geo. V. c. 60, s. 53. Notification.

Machinery in Motion.

54.—(1) A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion. Cleaning:—child;

(2) A youth, young girl or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing while the same is in motion. Youth, young girl or woman.

(3) A child or a young girl shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion. Working:—Child or young girl.

(4) A child, youth, young girl or woman allowed to clean or work in contravention of this section shall be deemed to be employed contrary to the provisions of this Part. 3-4 Geo. V. c. 60, s. 54. Penalty.

Guarding Machinery.

55.—(1) In every factory

(a) all mill-gearing, vats, pans, cauldrons, reservoirs, wheel races, flumes, water-channels, openings and doors opening in the floors or walls, bridges and dangerous machinery, shafting, or belting, and all other dangerous structures and places shall be as far as practicable securely fenced or guarded; Guarding dangerous places.

(b) no machinery other than steam engines shall be cleaned while in motion if the Inspector gives written notice to the employer to that effect; Cleaning machinery.

(c) any matter or thing which the Lieutenant-Governor in Council by regulation requires to be fenced or guarded shall be securely and safely guarded; Matters or things required by the regulations to be guarded.

Notice by
inspector.

(d) any other matter or thing which the Inspector considers dangerous, and in regard to which he gives notice in writing to that effect to the employer, shall likewise be securely fenced or guarded to the satisfaction of the Inspector.

Regulations.

2) The Lieutenant-Governor in Council may make regulations prescribing the manner in which any of the matters or things mentioned in subsection 1 shall be fenced or guarded, and the class of fence or guard to be used on any such machinery or about any such structure or place in any factory or class of factories, and for such further precautions to be taken with respect to the matters mentioned in subsection 1 as he may deem necessary for preventing loss of life or personal injury.

Contraven-
tion.

(2) A factory in which a contravention of this section or of the regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. 3-4 Geo. V. c. 60, s. 55.

Storage of
coal oil, etc.

36.—(1) Where coal oil, petroleum, benzine, naphtha, gasoline or explosives of any kind or any combustible or inflammable material are kept or stored in a factory or shop they shall be kept stored when not in actual use in a building separate from the other parts of the factory or shop, or in a fireproof compartment of the factory or shop which shall be approved of by the Inspector.

Other in-
flammable
material
and maxi-
mum dealt
with by reg-
ulations.

(2) The Lieutenant-Governor in Council may add to the articles mentioned in subsection 1 any inflammable or combustible material to which he deems it expedient that the provisions of subsection 1 should apply, and he may also prescribe the maximum quantity of any of the articles mentioned in subsection 1 or in the Regulations which may at any time be in actual use in the factory or shop.

Contraven-
tion.

(3) A factory or shop in which a contravention of this section or of any regulations made thereunder occurs shall be deemed to be kept so that the safety of the persons employed therein is endangered. 3-4 Geo. V. c. 60, s. 56.

Boiler Insurance and Inspection.

Boiler insur-
ance and
inspection.

57.—(1) In a factory, shop or office building no boiler shall be used that is not insured in some boiler insurance company registered in the Department of Insurance, or that has not been inspected within one year by a competent person who has had charge of a boiler and engine for a period not less than five years or who holds a certificate as a stationary engineer; and the owner or employer shall, whenever so requested by the Inspector, produce for examination the insurance policy or certificate of inspection.

(2) Every such boiler insurance company shall annually, on the 30th day of November, transmit to the Chief Inspector a report of the boilers in Ontario insured by it; and when an insurance is cancelled the company shall forthwith give notice thereof to the Chief Inspector.

Insurance companies to report to chief Inspector.

(3) Whenever the Inspector is of opinion that a boiler in use in any factory, shop or office building is in such a condition or is so located or operated as to be dangerous to life or property, he may by written notice to the owner and employer direct that the use of the boiler shall be discontinued until it has been inspected by some competent person approved by the Inspector, and a certificate has been given by him that the boiler may be safely operated.

Where dangerous, use of to be discontinued.

(4) A factory, shop or office building in which a boiler is used in contravention of the requirements of this section or after such notice from the Inspector and before a certificate has been given as provided by subsection 3 shall be deemed to be kept so that the safety of the persons employed therein is endangered. 3-4 Geo. V. c. 60, s. 57.

Contravention.

Elevators and Hoists.

58.—(1) Subject to the Regulations, in every factory, shop and office building

Regulations.

- (a) the openings of the hoistway, hatchway and well-hole used for every power elevator shall, at each floor including the basement, be provided with and protected by good and sufficient trap doors or self-closing hatches or, in the case of an elevator not operated by hand power, by gates closing automatically not less than five feet six inches high and which may be made in sections;
 - (b) the sides of the shafts on all floors including the basement not guarded by gates shall be protected by enclosures at least six feet high, approved by the Inspector;
 - (c) where any elevator is enclosed in a tower having walls over six inches thick it may be provided with an extra operating rope outside the tower;
 - (d) in every case the elevator must be provided with a lock to secure the operating rope;
 - (e) where an elevator is operated by hand power the gates shall not be less than three feet in height and shall be automatic closing gates, and the sides not protected by gates shall be protected by enclosures not less than four feet in height approved by the Inspector;
- Elevators and hoists.

(f) a sign on which the word "Dangerous" in letters not less than four inches in height is clearly painted shall be affixed or stencilled on the bottom rail of every gate where it will be plainly visible from the outside;

(g) the top of every elevator platform shall be provided with a sufficient guard to protect the occupants, approved by the Inspector;

(h) every elevator, whether used for freight or passengers, shall be provided with some suitable mechanical device to be approved by the Inspector whereby the car or cab will be stopped and held in case of accident to the elevator or to the machinery or appliances connected therewith.

Regulations prescribing additional requirements.

(2) The Lieutenant-Governor in Council may by regulation prescribe such requirements in addition to or in substitution for the requirements of subsection 1 with respect to the use of elevators and hoists in factories, shops or office buildings, or in any class of factories, shops or office buildings.

Penalty for contravention.

(3) Every owner or employer who after notice from the Inspector uses or permits to be used any elevator or hoist in respect of which the provisions of this section are not complied with shall incur a penalty not exceeding \$500 and in default of payment thereof shall be liable to imprisonment for any period not exceeding twelve months.

Rights of municipal councils preserved. Rev. Stat. c. 192.

(4) Nothing in this section shall take away or interfere with the powers possessed by municipal councils under *The Municipal Act* in respect of hoists or elevators. 3-4 Geo. V. c. 60, s. 58.

Fire Prevention and Protection.

Prevention and protection from fire as required by Inspector under regulations. Main doors to open outwardly.

59.—(1) In every factory, shop or office building there shall be such means of prevention and protection from fire and of extinguishing fire as the Inspector, acting under the Regulations, directs in writing.

(2) In every factory and office building and in every shop in which more than fifteen persons are employed at any time during the year the main inside and outside doors for the use of the employees shall open outwardly, and any door leading to or being the principal or main entrance for employees or leading to any tower stairway or fire-escape shall not be bolted, barred or locked at any time during the ordinary and usual working hours.

Fire escape appliances.

(3) The owner of every factory, shop or office building over two storeys in height, and where deemed necessary by the Inspector, the owner of every factory, shop or office build-

ing over one storey in height, shall provide one or more systems of fire escape and shall keep the same in good repair and to the satisfaction of the Chief Inspector, as follows:

- (a) a sufficient number of tower stairways with iron doorways within reach of or having easy communication with all the working rooms; Tower stairways and iron doorways.
- (b) a sufficient number of iron or other uninflammable fire escapes on the outside of the building consisting of stairways with railing or, if the approval of the Inspector is given in writing then of iron ladders; and every such stairway or ladder shall be connected with the interior of the building by iron or tinned doors or windows with iron shutters, and shall have suitable landings at every storey including the attic if the attic is occupied as a workroom, and the stairways shall start at a distance of not more than eight feet from the ground or pavement. Iron or uninflammable fire escapes.

(4) The Lieutenant-Governor in Council may make Regulations for the more effectual carrying out of the provisions of this section and for the adoption of any system of fire escape in substitution for those above mentioned. Regulations.

(5) The owner or proprietor of any factory, shop or office building refusing or neglecting to provide the means of safe exit in case of fire prescribed in this section, or by the Regulations made thereunder, shall incur a penalty of not more than \$500 and in default of immediate payment of the same shall be liable to imprisonment for a period of not more than twelve months. Penalty for contravention.

(6) A factory, shop or office building in which a contravention of this section, or of any regulation made thereunder occurs, shall be deemed to be kept so that the safety of the persons employed therein is endangered. 3-4 Geo. V. c. 60, s. 59. Contravention.

Notice of Accidents, Explosions and Deaths.

60. Where a fire or accident in any factory, shop or office building occasions any bodily injury to any person employed therein whereby he is prevented from working for more than six days next after the fire or accident, a notice in writing, Form 6, Schedule B, shall be sent to the Chief Inspector by the employer forthwith after the expiration of such six days, and if such notice is not so sent the employer shall incur a penalty not exceeding \$30. 3-4 Geo. V. c. 60, s. 60. Notice of accident to be given to inspector.

61. Where an explosion occurs in a factory, shop or office building, whether any person is injured thereby or not, the fact of such explosion having occurred shall be reported to the Chief Inspector in writing by the employer, Form 6, Notice of explosion.

Schedule B, within twenty-four hours next after the explosion takes place, and if such notice is not so sent the employer shall incur a penalty not exceeding \$30. 3-4 Geo. V. c. 60, s. 61.

Notification
of death or
fatal injury.

62. Where in a factory, shop or office building any person is killed from any cause, or is injured from any cause in a manner likely to prove fatal, written notice of the accident, Form C, Schedule B, shall be sent to the Chief Inspector within twenty-four hours after the occurrence thereof and if such notice is not so sent the employer shall incur a penalty not exceeding \$30. 3-4 Geo. V. c. 60, s. 62.

BAKE-SHOPS.

Construc-
tion, light-
ing, heating,
ventilation
and drain-
age of bake-
shops.

63. Every bake-shop shall be constructed and maintained as to lighting, heating, ventilation and drainage in such a manner as not to be dangerous or injurious to the health of any person working therein, and shall be kept at all times in a clean and sanitary condition, and so as to secure the manufacture and preservation of all food products and materials therein in a good and wholesome condition. 3-4 Geo. V. c. 60, s. 63.

Washroom,
towels,
soap
and closet.

64.—(1) Every bake-shop which is not within the provisions of this Part relating to factories or shops shall be provided with a proper washroom and a sufficient supply of clean towels and soap, and a closet and other conveniences for the health and comfort of the persons employed therein.

Situation of
washrooms
and closet.

(2) The washroom, closets and other conveniences shall be separate from the bake-shop and shall be kept clean and in a sanitary condition. 3-4 Geo. V. c. 60, s. 64.

No bake-
shop to be
in base-
ment.

65.—(1) No bake-shop shall be kept in any basement or in any part of a building which is below the level of the street or road upon which the bake-shop is situate.

Application.

(2) This section shall not apply to any bake-shop established before the 6th day of May, 1913. 3-4 Geo. V. c. 60, s. 65.

Sleeping
places to be
separate.

66. The sleeping places of the employees of every bake-shop shall be separate from the bake-shop, and no person shall sleep in a bake-shop. 3-4 Geo. V. c. 60, s. 66.

Health
and hours
of labour.

67. Subsection 5 of section 43 and section 70 shall apply to every bake-shop whether the same is or is not a factory or shop within the provisions of this Part relating to factories and shops. 3-4 Geo. V. c. 60, s. 67.

Fire
escapes.

68. Every bake-shop, not being a factory or shop to which section 59 applies, shall be provided with proper means and facilities of escape in case of fire to the satisfaction of the Inspector. 3-4 Geo. V. c. 60, s. 68.

69. No person shall sell, expose or offer for sale bread or buns manufactured out of Ontario without the written permission of an Inspector. 3-4 Geo. V. c. 60, s. 69. Sale of bread, etc., manufactured out of Ontario.

70. Except with the written permission of the Inspector no person shall require, permit or suffer any employee in any bake-shop to work on Sunday, nor for more than twelve hours in any twenty-four hours, computed from the time when the employee commences to work, nor more than sixty hours in any one week, and a copy of such permission shall be posted up in a conspicuous place in the bake-shop. 3-4 Geo. V. c. 60, s. 70. No person to work on Sunday or more than 12 hours except with Inspector's permission.

BARBER SHOPS.

71.—(1) The proprietor of a barber shop shall not
 (a) require, permit or suffer any employee to work therein on Sunday;
 (b) open his barber shop or permit the same to be opened to the public, or carry on any business or work therein at any time between the hours of twelve o'clock on Saturday night and twelve o'clock on the following Sunday night. Barber shops not to be open on Sunday.

(2) Every person who contravenes the provisions of subsection 1 shall incur a penalty of not less than \$20 nor more than \$50. 3-4 Geo. V. c. 60, s. 71. Penalty for contravention.

OFFENCES AND PENALTIES.

72.—(1) No person shall keep a factory, shop or office building so that the safety of persons employed therein is endangered, or so that the health of the persons employed therein is likely to be injured, and every person who so keeps a factory, shop or office building shall incur a penalty of not more than \$500 recoverable under *The Ontario Summary Convictions Act*, or may be imprisoned in the common gaol of the county within which the offence was committed for a period of not more than twelve months. Premises dangerous to health or safety. Penalty. Rev. Stat. c. 90.

(2) The enumeration in this Part of cases in which it is declared that where an act or omission occurs a factory, shop or office building shall be deemed to be kept so that the safety of the persons employed therein is endangered shall not restrict or limit the generality of the provisions of subsection 1. 3-4 Geo. V. c. 60, s. 72. Enumeration not to affect generality.

73. Every person who wilfully makes a false entry in any register, notice, certificate or document required by this Part to be kept or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use False entries, etc.

Penalty.

of any such false entry or declaration, shall incur a penalty of not more than \$100 and in default of immediate payment of such penalty shall be liable to imprisonment for a period not exceeding six months. 3-4 Geo. V. c. 60, s. 73.

Parents
liable to
penalty

74 The parent of any child, youth or young girl employed in contravention of this Part, unless such employment is without the consent, connivance or wilful default of such parent, shall for each offence incur a penalty of not more than \$50. 3-4 Geo. V. c. 60, s. 74.

Penalty for
contraven-
tion of Act
where no
express
penalty
provided.

75 If any of the provisions of this Part, or of the Regulations, or any directions of the Inspector are contravened and no other penalty is herein provided for such contravention the offender shall incur a penalty of not more than \$50. 3-4 Geo. V. c. 60, s. 75.

Onus of
proof as to
age of child

76 Where a child, youth or young girl is, in the opinion of the police magistrate or justice, apparently of the age alleged by the informant it shall lie on the person charged to prove that the child, youth or young girl is not of that age. 3-4 Geo. V. c. 60, s. 76.

Penalty on
person
committing
offence for
which em-
ployer is
liable.

77 Where an offence for which an employer is liable under this Part has in fact been committed by some agent, servant, workman or other person such agent, servant, workman or other person shall also be liable to the same penalty or punishment for such offence as if he were the employer. 3-4 Geo. V. c. 60, s. 77.

Power of
employer
to exempt
himself
from fine on
conviction
of the actual
offender.

78 Where the employer is charged with an offence against this Part he shall be entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before the police magistrate or justice at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the police magistrate or justice that he had used due diligence to enforce the execution of this Part, and that such other person had committed the offence without the knowledge, consent or connivance of the employer such other person may be summarily convicted of such offence and the employer shall be exempt from any penalty or punishment. 3-4 Geo. V. c. 60, s. 78.

Inspector
to proceed
against
actual
offender.

79 Where it appears to the satisfaction of the Inspector that an employer had used all due diligence to enforce the execution of this Part, and also by what person an offence against this Part was committed, and that it was committed without the knowledge, consent or connivance of the employer and in contravention of his orders the Inspector shall proceed against the person whom he believes to be the actual offender in the first instance and not against the employer, and in case

of his conviction the employer shall be exempt from any penalty or punishment. 3-4 Geo. V. c. 60, s. 79.

80. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger penalty or punishment than the highest penalty or punishment fixed by this Part for the offence except where Restraint on cumulative fines.

- (a) the repetition of the offence occurs after an information has been laid for the previous offence; or
- (b) the offence is one of employing two or more children, youths, young girls or women contrary to the provisions of this Part. 3-4 Geo. V. c. 60, s. 80.

81. All penalties in money recovered under or in pursuance of this Part shall be paid by the convicting police magistrate or justice, as the case may be, to the Inspector who shall forthwith pay the same over to the Treasurer of Ontario. Application of penalties. 3-4 Geo. V. c. 60, s. 81.

82.—(1) All prosecutions under this Part may be brought and heard before a police magistrate or any two justices in and for the county, district or place where the offence was committed; and save where otherwise provided by this Act *The Ontario Summary Convictions Act* shall apply thereto. Prosecutions and procedure. Rev. Stat. c. 90.

(2) The information shall be laid within two months, or where the offence is punishable at discretion by imprisonment within three months, after the offence has come to the knowledge of the Inspector, or where the Inspector has given notice to the offender to remedy the matter which is alleged to be an offence against this Part within three months after the expiry of the time given by the notice to remedy the same. Limitation of prosecutions.

(3) It shall be sufficient to allege that a factory, shop or office building is a factory, shop or office building within the meaning of this Part. Allegation as to factory, shop or office building.

(4) It shall be sufficient to state the name of the ostensible employer or the firm name by which the employer is usually known. 3-4 Geo. V. c. 60, s. 82. Statement as to name of employer.

83. In all cases between employer and employed or their representatives where liability for damages arises by reason of any violation of this Part the liability shall be subject to the limitations contained in *The Workmen's Compensation for Injuries Act*. 3-4 Geo. V. c. 60, s. 83. Limitation liability in certain cases. Rev. Stat. c. 146.

PART II.

MUNICIPAL BY-LAWS AS TO CLOSING OF SHOPS.

Interpretation.

§ 84. (1) In this section and in any by-law passed thereunder:

"Shop."

(a) "Shop" shall mean a building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail, and barbers' shops; but not where the only trade or business carried on is that of a licensed hotel or tavern, victualling house or refreshment house;

"Closed."

(b) "Closed" shall mean not open for the serving of any customer;

Exception as to customers entering before closing hour.

(2) Nothing in this section or in any by-law passed under the authority thereof shall render unlawful the continuance in a shop after the hour appointed for the closing thereof, of any customers who were in the shop immediately before that hour, or the serving of such customers during their continuance therein.

By-law determining hours of closing.

(3) The council of a city, town or village may by by-law require that during the whole or any part or parts of the year all or any class or classes of shops within the municipality shall be closed, and remain closed on each or any day of the week at and during any time or hours between seven of the clock in the afternoon of any day and five of the clock in the forenoon of the next following day.

Council to pass by-law on application of occupiers of shops.

(4) If an application is presented to such council praying for the passing of a by-law requiring the closing of any class of shops situate within the municipality, and the council is satisfied that such application is signed by not less than three-fourths in number of the occupiers of shops within the municipality and belonging to the class to which such application relates, the council shall, within one month after the presentation of such application, pass a by-law giving effect thereto and requiring all shops within the municipality belonging to the class specified in the application to be closed during the period of the year and at the times and hours mentioned in subsection 2 as are named in the application.

Presentation of application.

(5) If the application is delivered to the clerk of the council it shall be deemed to have been presented to and received by the council.

Powers of township councils.

(6) The council of every township shall, with respect to any portion of such township designated in the by-law, have all the rights and powers conferred by this section on the council of a city, town or village, and may pass by-laws which shall apply only to that portion of the township so designated.

(7) The council may by by-law make regulations as to the form of the application and as to the evidence to be produced respecting the proportion of persons signing the same and as to the classification of shops for the purposes of this section, and it shall not be compulsory upon the council to pass such by-law unless and until all such regulations have been duly observed.

Regulations
as to form
and proof of
applications.

(8) Every such by-law shall take effect at a date named therein, being not less than one nor more than two weeks after the passing thereof, and shall before that date be published in such manner as to the council passing the by-law may appear best fitted to insure the publicity thereof.

Commence-
ment and
publication
of by-laws.

(9) A council shall not repeal a by-law passed pursuant to subsection 4 except as provided in the next following subsection.

Conditions
of repeal.

(10) If at any time it is made to appear to the satisfaction of the council that more than one-third in number of the occupiers of shops to which any by-law passed by the council under the authority of subsection 4 relates, or of any class of such shops, are opposed to the continuance of such by-law the council may repeal the by-law, or may repeal the same in so far as it affects such class; but any such repeal shall not affect the power of the council to thereafter pass another by-law under any of the provisions of this section.

Idem.

(11) A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours in which it is by any such by-law required to be closed for the purpose of that one of such trades which is the principal trade carried on in such shop.

Closing of
shops in
which sev-
eral trades
are carried
on.

(12) A pharmaceutical chemist or druggist shall not, nor shall any occupier of, or person employed in or about a shop in any village or township be liable to any penalty or punishment under any such by-law for supplying medicines, drugs or medical appliances after the hour appointed by such by-law for the closing of shops; but nothing in this subsection shall authorize any person to keep open shop after that hour.

Exception
as to sales
by drug-
gists.

(13) Nothing in any such by-law shall render the occupier of any premises liable to any penalty or punishment for supplying any article to any person lodging in such premises, or for supplying any article required for immediate use by reason of any emergency arising from sickness, ailment or death, or for supplying or selling any article to any person for use on or in or about or with respect to any steamboat or sailing vessel which at the time of such supplying or selling is either within or in the immediate neighbourhood of the municipality in which the premises are situate, or for use by or with respect to any person employed or engaged on or being a passenger on or by any such steamboat or sailing vessel; but nothing in this subsection shall authorize any person to keep

Supplying
articles to
lodgers, etc.

open shop after the hour appointed by such by-law for the closing of shops.

Councils may pass by-laws containing different provisions for different localities.

(14) A by-law passed by the council of a township for the closing of all or any class or classes of shops may, as to any or all of its terms and provisions, differ from any other by-law passed by the same council for the closing of all or any class or classes of shops in any other designated part of the same township.

By-law invalid as to one class may be good as to others.

(15) Notwithstanding that the occupiers of any class of shops required to be closed by a by-law passed under the provisions of subsection 4 may not have presented an application for the passing of such by-law every such by-law shall, nevertheless, be valid and effectual as respects any other, and the occupiers of any other class of shops thereby required to be closed in conformity with any application in that behalf made or presented to the council by the prescribed number of occupiers of such last mentioned class.

Burden of proof.

(16) The onus of proving that an application in compliance with subsection 4 was not presented by the prescribed number of the occupiers of any class of shops shall be upon the person asserting that such application was not so presented.

Power of occupier to exempt himself on conviction of actual offender.

(17) Where an offence for which the occupier of a shop is liable under any such by-law to any penalty or punishment has in fact been committed by some agent or servant of such occupier such agent or servant shall be liable to the same penalty or punishment as if he were the occupier.

Agent or servant to be liable to penalty.

(18) Where the occupier of a shop is charged with an offence against any such by-law he shall be entitled, upon information duly laid by him, to have any other person whom he alleges to be the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier proves to the satisfaction of the Court that he has used due diligence to enforce the execution of the provisions of the by-law, and that such other person committed the offence without his knowledge, consent or connivance, such other person may be summarily convicted of such offence and shall be liable to the same penalty or punishment as if he were the occupier, and the occupier shall be exempt from any penalty or punishment.

Municipal Act to apply. Rev. Stat. c. 192.

(19) The provisions of *The Municipal Act* as to the penalties which may be imposed for contravention of by-laws and the recovery thereof shall apply to by-laws passed under this section. 2-4 Geo. V. c. 60, s. 84.

SCHEDULE A.

(Section 2.)

Agricultural Implement Factories.	Coopers' Workshops.
Apple Evaporator Factories.	Cork Factories.
Artificial Flower Factories.	Corset Factories.
Auger Factories.	Corset and Hoopskirt Steel Factories.
Axle and Spring Factories.	Cotton Factories.
Bakehouses and Bakeshops.	Cutlery Factories.
Baking Powder and Yeast Factories.	Distilleries.
Barb Wire Factories.	Domestic Utensils Factories.
Barrel Factories.	Dress Shield Factories.
Basket Factories.	Drop Forging Factories.
Bell Factories.	Dye Works..
Billiard Table Factories.	Edge Tool Factories.
Bindertwine Factories.	Electric Machinery Factories.
Bird Cage Factories.	Electrotype Foundries.
Biscuit Factories.	Elevator Factories.
Blackening Factories.	Emery Wheel Factories.
Blanket Factories.	Enamelling Works.
Boat and Canoe Factories.	Envelope Factories.
Boiler Factories.	Extracts and Essential Oil Factories.
Bolt and Nut Factories.	Excelsior Factories.
Book-binding Factories.	Featherdown Factories.
Boot and Shoe Factories.	Felt Factories.
Box Factories.	File Works.
Brass Foundries.	Fire Works Factories.
Breweries.	Flax Mills.
Brick Yards.	Flour Mills.
Broom Factories.	Foundries.
Brush Factories.	Fringe and Tassel Factories.
Buffalo Robe Factories.	Fruit Desiccating Factories.
Bustle and Hoopskirt Factories.	Furniture Factories.
Button Factories.	Furriers' Workshops.
Canning Factories.	Galvanized and Pressed Iron Work Factories.
Cap Factories.	Gas and Electric Light Works.
Carpet Factories.	Glass Works.
Carriage Factories.	Glove Factories.
Carriage Goods (Iron) Factories.	Glucose Factories.
Carriage Woodwork Factories.	Gun and Small Arm Factories.
Cartridge Factories.	Hair Factories.
Car Shops.	Hair Cloth Factories.
Cement Works.	Hames Factories.
Cereal Food Factories.	Hammer Factories.
Chain Works.	Hat Factories.
Chamois Factories.	Hinge Factories.
Cheese Box Factories.	Horn Comb Factories.
Chemical Works.	Hobby Horse Factories.
Chewing Gum Factories.	Hosiery Factories.
Chicle Works.	Iron Bridge Works.
Child's Carriage Factories.	Jams, Jellies and Pickle Works.
Cider Factories.	Jewellery Factories.
Cigar Factories.	Kaoka Factories.
Cigar Box Factories.	Knitting Factories.
Clay Pipe Factories.	Knitting Machine Factories.
Clock Factories.	Knitting Needle Factories.
Clothing Factories.	Lace Factories.
Coal-hoisting Plants.	Lamp Goods Factories.
Coffin Factories.	Last Factories.
Condensing Cream and Milk Factories.	Laundries.
Confectionery Factories.	

Laundry, Bluing and Washing	Rubber Factories.
Crystal Factories.	Saddlery Hardware Factories.
Lead Pipe and Shot Factories.	Safe Works.
Leather Goods Factories.	Salt Drying Works.
Linen, Cotton and Jute Bag Factories.	Sash and Door Factories.
Lithographers' Workshops.	Saw Factories.
Lock Factories.	Saw Mills.
Locomotive Works.	Scale Works.
Machine Shops.	Seed-sorting Works.
Machine Screw Works.	Sewer Pipe Factories.
Mantle Piece Factories.	Sewing Machine Works.
Marble Works.	Shirt Factories.
Match Factories.	Shoddy Factories.
Matting Factories.	Shovel Factories.
Mattress Factories.	Show Case Factories.
Meat-packing Houses.	Silk Factories.
Metallic Shingle Factories.	Silk Ribbon Factories.
Mica Works.	Silverware Factories.
Mill Furnishing Factories.	Skate Works.
Millinery Workshops.	Soap Works.
Mirror Factories.	Soda Water Factories.
Moccasin Factories.	Spice and Coffee Mills.
Nail Works.	Spoke and Hub Factories.
Necktie Works.	Spool Factories.
Oil Mills.	Stained Glass Factories.
Oil Refineries.	Starch Factories.
Oilcloth Factories.	Stave Factories.
Organ Factories.	Stay Factories.
Organ Reed Factories.	Steel Wire Factories.
Ornamental Moulding Factories.	Straw Works.
Overgaiter Factories.	Sugar Refineries.
Paint Works.	Suspender Factories.
Paper Bag Factories.	Syrup Factories.
Paper Box Factories.	Tanneries.
Paper Collar Factories.	Tent and Awning Factories.
Paper and Pulp Mills.	Terra Cotta Works.
Paraffine Factories.	Thread Spooling Factories.
Patent Medicine Factories.	Tin Stamping Works.
Photographic Supplies Factories.	Tobacco Factories.
Piano Factories.	Toy Factories.
Piano and Organ Keyboard Factories.	Trunk Factories.
Picture Frame Works.	Tub and Pail Works.
Pin Factories.	Type Foundries.
Planing Mills.	Typewriter Factories.
Plated Metal Works.	Umbrella Works.
Polish Factories.	Varnish Works.
Plush Factories.	Velocipedes and Bicycle Factories.
Potteries.	Veneer Factories.
Printing Ink Factories.	Vinegar Works.
Printing Offices.	Waggon and Sleigh Factories.
Pulp Factories.	Wall Paper Factories.
Pump Factories.	Watch Case Factories.
Pumping Stations.	Wax Paper Factories.
Quilting Factories.	Wheel Factories.
Rag-sorting Workshops.	Whip Factories.
Rattan Goods Factories.	Wholesale Packing Houses.
Reaper Knife Factories.	Window Shade Factories.
Regalia Factories.	Wire Goods Factories.
Repair Shops.	Woodenware Factories.
Rivet Works.	Wood Pulley Factories.
Rolling Mills.	Wood Screw Factories.
Rope Works.	Woollen Factories.

SCHEDULE B.

FORM 1.

(Section 11.)

REGISTER OF CHILDREN, YOUTHS AND YOUNG GIRLS EMPLOYED IN THIS
FACTORY UNDER "THE FACTORY, SHOP AND OFFICE BUILDING ACT."

No child can be employed in any factory except in the business of canning or desiccating fruits and vegetables and the work incidental thereto, as provided for in section 26 of *The Factory, Shop and Office Building Act*.

Under *The Factory, Shop and Office Building Act* the word "child" means a person under the age of fourteen years; the word "youth" means a male of the age of fourteen and under the age of sixteen years; the expression "young girl" means a girl of the age of fourteen years and under the age of eighteen years; the word "woman" means a woman of eighteen years of age and upwards; and the word "parent" means a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefits from the wages of a child, youth or young girl. See s. 2, clauses b, l, p, q and r.

Columns 1, 2, 3, 4 and 5 to be filled up by the employer before a child, youth or young girl is allowed to work.

1	2	3	4	5	6	7
Name of child, youth or young girl	Name of Parent or Guardian	Residence of Parent or Guardian	Date of first employment	Nature of employment	Age of child, youth or young girl	REMARKS When a person ceases to be employed insert in this column or opposite his or her name, 'Left' When a young girl becomes a woman within the meaning of the Act, insert opposite her name the word 'Woman.'

FORM 2.

(Section 11.)

REGISTER OF WOMEN OF 18 YEARS OF AGE AND UPWARDS EMPLOYED
IN THIS FACTORY.

Under *The Factory, Shop and Office Building Act* the word "Child" means a person under the age of fourteen years; the word "Youth" means a male of fourteen, and under the age of sixteen years; the expression "Young Girl" means a girl of fourteen years and under the age of eighteen years; the word "Woman" means a woman of eighteen years of age and upwards, and the word "Parent" means a parent or guardian of, or a person having the legal custody of, or the control over, or having direct benefit from the wages of the child, youth or young girl. (Section 2.) *Clauses b, l, p, q and r.*

1	2	3	4	5
Name	Residence	Date of first employment	Nature of employment	REMARKS When a woman ceases to be employed insert in this column opposite her name "Left."

FORM 3.

(Section 37.)

REGISTER OF THE CHILDREN, YOUTHS, YOUNG GIRLS AND WOMEN EMPLOYED IN THIS FACTORY ON ANY DAY FOR A LONGER PERIOD THAN IS ALLOWED BY "THE FACTORY, SHOP AND OFFICE BUILDING ACT."

[illegible]

FORM 4.

(Section 12.)

THE FACTORY, SHOP AND OFFICE BUILDING ACT.

Factory to which This Register Applies.	To the Occupier and Employer in This Factory.
1. Name (if any) of factory Situate in Post Office to which letters for this factory are to be directed. 2. Nature of work carried on. 3. Nature and amount of moving power: (a) Steam-engine of about indicated horse-power, of which horse-power is employed in this factory. (b) Water wheel of about indicated horse-power, of which horse-power is employed in this factory. 4. Clock. 5. Name of the occupier and employer. (Signature of occupier or agent)	I hereby give you notice that the clock named under heading No. 4 on this page is the clock by which the hours of employment and times allowed for meals in this factory are to be regulated. Dated this day of Inspector.

3-4 Geo. V. c. 60, Sched. B, Form 4.

FORM 5.

(Section 38.)

"THE FACTORY, SHOP AND OFFICE BUILDING ACT."

NOTICE.

It shall not be lawful for a child, youth, young girl or woman to be employed for more than ten hours in one day, nor more than sixty hours in any one week, unless a different apportionment of the hours of labour per day has been made for the sole purpose of giving a shorter day's work on Saturday.

In every factory the employer shall allow every child, youth and every young girl and woman therein employed not less than one hour at noon of each day for meals, but such hour shall not be counted as part of the time herein limited as respects the employment of children, youths, young girls and women.

Notice of the hours between which children, youths, young girls or women are to be employed shall be made in such form as may be required by the regulations made in that behalf by the Lieutenant-Governor in Council, and shall be signed by the Inspector and by the employer, and shall be hung up during the period affected by such notice in such conspicuous place or places in the factory as the Inspector requires.

In accordance with the foregoing provisions of *The Factory Shop and Office Building Act*, it is hereby notified to all concerned

that the hours between which children, youths, young girls and women are to be employed in this factory are as follows:

	FORENOON		AFTERNOON		Total hours each day
	Commence at	Stop at	Commence at	Stop at	
Monday
Tuesday
Wednesday
Thursday
Friday
Saturday

Total of hours for the week.....

Dated this.....day of.....

(Signature of Employer or Agent.)

(Inspector's Signature.)

3-4 Geo. V. c. 60, Sched. B, Form 5.

FORM 6.

(Sections 60-62.)

"THE FACTORY, SHOP AND OFFICE BUILDING ACT."

To.....

(Factories Inspector.)

You are hereby notified pursuant to section 60 (*or as the case may be*) of *The Factory, Shop and Office Building Act* of the happening of an accident in the factory hereunder mentioned, whereof the following are particulars:—

1. Name of person injured (or killed).
2. Factory in which accident happened.
3. Date of accident.
4. Age of person injured (or killed).
5. Residing on street in the of
6. Cause of injury (or death).
7. Extent of injury.
8. Where injured or killed person sent
9. Remarks.

Dated this day of

(Signature of Employer or Agent.)

3-4 Geo. V. c. 60, Sched. B, Form 6.

FORM 7.

(Section 16.)

"THE FACTORY, SHOP AND OFFICE BUILDING ACT."

To
(Factories Inspector.)

Pursuant to section 16 of *The Factory, Shop and Office Building Act*, I hereby give notice that I have begun to occupy a factory as undermentioned:

Name under which the business is carried on.....
 Name of the factory
 Locality of the factory.....
 Address to which letters are to be addressed.....
 Nature of the work.....
 Nature and amount of moving power.....

Dated this day of

.....
 (Occupier or Agent.)

3-4 Geo. V. c. 60, Sched. B, Form 7.

CHAPTER 230.

An Act to regulate Maternity Boarding Houses and for the Protection of Infant Children.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Maternity Boarding House Act*. 2 Geo. V. c. 60, s. 1. Short title.

2. In this Act "Medical Officer of Health" shall mean the Medical Officer of Health of the municipality in which any house required by this Act to be registered is situate, and where the house is situate in territory without municipal organization, shall mean and include the medical officer of health appointed for the locality under *The Public Health Act*. 2 Geo. V. c. 60, s. 2. "Medical Health Officer," meaning of. Rev. Stat. c. 218.

3. No person shall receive or retain for hire or reward any woman or girl for accouchement, or keep unmarried women or girls, being mothers of infants and not being married, with infants for board or lodging, or keep a maternity boarding house, unless registered under this Act. 2 Geo. V. c. 60, s. 3. Maternity boarding houses to be registered.

4. No person shall retain or receive for hire or reward one or more infants under the age of three years, for the purpose of nursing or maintaining such infant or infants, for a longer period than twenty-four hours, except in a house which has been registered as herein provided; but any person may be exempted from the provisions of this section by the medical officer of health of a city or by the Superintendent of Neglected and Dependent Children on proof that one child only is thus cared for. 2 Geo. V. c. 60, s. 4. Home for infant children to be registered. Exception.

5.—(1) The medical officer of health or any officer specially appointed by him for that purpose shall keep a register of the names of persons applying to register under this Act, and therein shall cause to be registered the name and house of every person so applying and the situation of the house; and the medical officer of health shall fix the number of women or girls or infants who may be received into any house so registered. Register of maternity boarding houses and infants' homes.

(2) The registration shall remain in force for one year, and a fee, not exceeding \$10, shall be charged for registration. 2 Geo. V. c. 60, s. 5. Registration, duration and fee for.

Discretion
as to registra-
tion.

6. The medical officer of health may refuse to register any house unless satisfied that it is suitable for the purposes for which it is to be registered, and unless satisfied by the production of certificates that the person applying to be registered is of good character and able to maintain, keep and properly lodge such women or girls or infants. 2 Geo. V. c. 60, s. 6.

Cancelling
registration.

7. If it is shown to the satisfaction of the medical officer of health that a person whose house has been so registered as aforesaid has been guilty of serious neglect or is incapable of providing the women or girls or infants intrusted to his care with proper food and attention, or that the house specified in the register has become unfit for the reception of women or girls or infants, the medical officer of health may remove the name and house from the register. 2 Geo. V. c. 60, s. 7.

Register to
be kept by
keeper of
boarding
house or
home.

8. Every person registered as aforesaid shall immediately enter in a register to be kept by him the name and age of every woman or girl or infant and also the place from which such woman or girl or infant came before entering such house, and shall also enter in the register the name of the medical practitioner who attended at any birth taking place in such house or who attended any infant in such house, and when such woman or girl or infant leaves the house, the place to which they are removed, and the date of such removal; also whether the infant was taken away with the mother or how otherwise disposed of, or how children boarded without their mothers are disposed of; and shall forthwith transmit to the medical officer of health a copy of every entry made in the register, and shall produce the register when required by the medical officer of health or any person appointed by him, and in the event of his refusing so to produce the register or neglecting to enter in a register the particulars hereinbefore required, he shall incur a penalty not exceeding \$20. 2 Geo. V. c. 60, s. 8.

Forms for
registration
to be fur-
nished to
keepers.

9. The person registered shall be entitled to receive gratuitously from the medical officer of health a book of forms for the registration of persons received into such house, which shall also contain a printed copy of this Act. 2 Geo. V. c. 60, s. 9.

Births in
houses to be
attended by
physician.

10. The person so registered shall see that every birth which takes place in such house shall be attended by a legally qualified medical practitioner, who shall forthwith report to the medical officer of health the fact of such birth having taken place and shall also register the same in the manner set out in the Act provided by *The Vital Statistics Act*. 2 Geo. V. c. 60, s. 10.

11. The person so registered shall within twenty-four hours after the death of any inmate of such house, whether a woman, a girl, or an infant born therein or brought there-to as a boarder, cause notice thereof to be given to the medical officer of health, who shall immediately call the coroner to hold an inquest on the body of such person, unless a certificate under the hand of a registered medical practitioner is produced to him by the person so registering that such medical practitioner had personally attended or examined the person so dying and also specifying the cause of death, and the medical officer of health is satisfied by certificate that there is no ground for holding an inquest. 2 Geo. V. c. 60, s. 11.

Registered persons to give notice of all deaths occurring in house to M. O. H.

12. The medical officer of health shall provide for the visiting and inspecting, from time to time, of every house so registered; and the person appointed to inspect shall be entitled to enter the house at any time and examine every part thereof, and call for and examine the register kept by the person registering the house, and to inquire into all matters concerning the house and the inmates thereof; and the person registered shall give all reasonable information to the person making the inspection, and afford him every reasonable facility for viewing and inspecting the premises, and seeing the inmates thereof. 2 Geo. V. c. 60, s. 12.

Visiting and inspecting maternity boarding houses and homes for infants.

13. No child under three years old, whether an inmate of such house or born therein or brought thereto or otherwise, shall be given out for adoption except by and with the consent of a children's aid society, or other duly incorporated benevolent or charitable institution or society, or of the Superintendent of Neglected and Dependent Children, under such rules and regulations in that behalf as may be approved of by the Lieutenant-Governor in Council. 2 Geo. V. c. 60, s. 13.

Adoption of children from homes.

14. No person registered under this Act shall advertise that he will adopt a child or children or hold out inducements to parents to part with their offspring; and when any such child is transferred by his parents or is given out for adoption to other persons, such transfer shall be made with the knowledge and consent of the agent or secretary of the children's aid society, or of the Superintendent of Neglected and Dependent Children. 2 Geo. V. c. 60, s. 14.

Must be no advertising for children for adoption.

15. No person shall make any false representation for the purpose of obtaining registration under this Act, or make use of any false certificate knowing it to be false, or falsify any register kept in pursuance of this Act. 2 Geo. V. c. 60, s. 15.

Securing registration by false representation, etc., etc.

16. The medical officer of health shall not, nor shall any officer employed by him, nor shall the person registered as keeper of any house, divulge or disclose the contents of the

Registers, contents of, not to be disclosed.

register or any of the particulars entered therein, except upon inquiry before a court of law, or at a coroner's inquest, or before some other competent tribunal, or, in the case of such officer or registered person, for the information of the medical officer of health. 2 Geo. V. c. 60, s. 16.

Record of
antecedents
of inmates.

17. The managers of every maternity hospital, infants' home or other refuge for women, shall ascertain and record the antecedents of women and girls coming under their care, and shall furnish to the medical officer of health such information in their possession as may be called for from time to time. 2 Geo. V. c. 60, s. 17.

Penalty for
violation
of Act.

Rev. Stat. c. 90.

18.—(1) Every person who contravenes any of the provisions of this Act shall incur a penalty not exceeding \$100, to be recoverable under *The Ontario Summary Convictions Act*, and shall in addition be liable to have his name and house removed from the register.

Trial of
offences
against
Act.

(2) Every prosecution under this Act shall take place before a Police Magistrate or two Justices of the Peace. 2 Geo. V. c. 60, s. 18.

Expenses of
execution
of Act.

19. All expenses incurred in and about the execution of this Act and the trial of offenders thereunder shall be borne by the municipality in which the registered house is situated, or in case it is situated in territory without municipal organization, by the Province. 2 Geo. V. c. 60, s. 19.

CHAPTER 231.

An Act for the Protection of Neglected and
Dependent Children.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Children's Protection Act* Short title.
of Ontario. 3-4 Geo. V. c. 62, s. 1.

2.—(1) In this Act,

Interpreta-
tion.

(a) "Child" shall mean a boy or girl actually or appar- "Child."
ently under sixteen years of age;

(b) "Children's Aid Society" shall mean a society hav- "Children's
Aid
Society."
ing among its objects the protection of children from cruelty and the care and control of neglected children which has been approved by the Lieutenant-Governor in Council for the purposes of this Act; and, in a county or district in which there is no children's aid society, shall mean the Superintendent;

(c) "Court of Summary Jurisdiction" shall mean and "Court of
summary
jurisdic-
tion."
include a police magistrate, a commissioner appointed for the trial of juvenile offenders or two justices of the peace;

(d) "Foster Home" shall mean a home in which a "Foster
Home."
neglected child may be placed;

(e) "Judge" shall mean a Judge or a retired Judge of "Judge."
the Supreme Court or of a county or district court, or a police magistrate, or a commissioner appointed for the trial of juvenile offenders, or two justices of the peace;

(f) "Minister" shall mean the Provincial Secretary or such other member of the Executive Council as "Minister."
may be charged for the time being with the administration of this Act;

(g) "Municipality" shall mean a county or a city or "Muni-
cipality."
town separated from a county, or a provisional judicial district;

"Neglected
Child."

(k) "Neglected Child" shall mean a child who is found begging, receiving alms, thieving in a public place, sleeping at night in the open air, loitering about in a public place after nine o'clock in the evening, associating or dwelling with a thief, drunkard or vagrant, or is an habitual truant, or a child who by reason of the neglect, drunkenness or other vice of its parents is growing up without salutary parental control and education, or in circumstances exposing such child to an idle and dissolute life; or who is found in a house of ill-fame, or known to associate with or be in the company of a reputed prostitute; or an orphan, or an illegitimate child whose mother is unable to maintain it; or who is deserted by its parents; or whose only parent is undergoing imprisonment for crime; or who by reason of ill-treatment, continual personal injury or grave misconduct or habitual intemperance of its parents or either of them is in peril of loss of life, health or morality; or whose home by reason of neglect, cruelty or depravity, is an unfit place for such child; and "Neglected Children" shall mean two or more of such children;

"Parent."

(i) "Parent" shall include a guardian and every person who is by law liable to maintain a child;

"Place of
safety."

(j) "Place of Safety" shall include a shelter or temporary home established by a children's aid society or any institution established for the care and protection of children, but not a gaol, prison, police station or lockup;

"Public
place."

(k) "Public Place" shall mean a street, highway or lane, whether a thoroughfare or not, and a tavern or other place of public resort, and generally any place to which the public have or are permitted to have access;

"Superin-
tendent."

(l) "Superintendent" shall mean the Superintendent of Neglected and Dependent Children. 3-4 Geo. V. c. 62, s. 2.

Jurisdic-
tion of
Justices and
Magis-
trates.

3. A Judge or a retired Judge of the Supreme Court or of a County or District Court shall have jurisdiction under this Act in any part of Ontario, and a police magistrate or a commissioner or two justices shall have jurisdiction in the county or other locality for which they hold office. 3-4 Geo. V. c. 62, s. 3.

SUPERINTENDENT OF NEGLECTED CHILDREN.

Superin-
tendent of
Neglected
and Depen-
dent
children.

4. The Lieutenant-Governor in Council may appoint an officer to be known as the Superintendent of Neglected and Dependent Children, whose salary shall be paid out of such

money as may be appropriated for that purpose by this Legislature; and it shall be his duty

- (a) to encourage and assist in the establishment of ^{Duties.} children's aid societies;
- (b) to advise such societies and instruct them as to the manner in which their duties are to be performed;
- (c) to see that a record in such form as may be prescribed by the Superintendent is kept by such societies of all committals, and of all children placed in foster homes under this Act and of such other particulars as may be deemed desirable;
- (d) to direct and supervise the visiting of any place where a child is placed pursuant to the provisions of this Act;
- (e) to prepare and submit an annual report to the Minister;
- (f) to visit and inspect industrial schools and shelters as may be directed by Departmental Regulations, and report at least twice each year to the Minister on the conditions, management and discipline of each industrial school, with suggestions for their improvement;
- (g) to perform such other duties as may be prescribed by the Lieutenant-Governor in Council. 3-4 Geo. V. c. 62, s. 4.

5. The Superintendent shall have and may exercise all the ^{Powers of} powers conferred upon a children's aid society, and shall have ^{superintendent.} power to appoint such person as he may see fit to act for him as occasion may require. 3-4 Geo. V. c. 62, s. 5.

CHILDREN'S SHELTERS.

6.—(1) For the better protection of neglected children the ^{Children's} corporation of every city or county shall provide one or more ^{shelters.} places of refuge for such children only, to be known as temporary homes or shelters, and shall assist in the maintenance thereof.

(2) An orphan or children's home may, with the consent ^{Orphan and} of the trustees or governing body thereof, be used as a temporary home or shelter under this section; and when desirable ^{children's} for economical reasons, not inconsistent with the welfare of the children to be provided for, such temporary home or ^{homes.} shelter may be established in a private family.

(3) When a children's aid society has been established it ^{Super-} shall receive into the temporary home or shelter provided by ^{vision of} or at the expense of the municipality all children found to be ^{shelters by} ^{Children's} ^{Aid Society.}

neglected under this Act and have their supervision and management.

Society
may hold
property.

(4) A children's aid society may buy, sell, lease, hold or otherwise deal with real and personal property for the purposes of the society.

Dissolution
of societies.

(5) If a society or committee established under this Act ceases to exist or does not hold a meeting for a period of six months the secretary or other officer shall deliver to the Superintendent all books, documents, records and financial statements, and pay over to him all trust funds on hand, and the society or committee shall thereupon be dissolved and its property shall be vested in the Minister; and the Superintendent shall then reorganize the work or make such arrangements for carrying it on as the Minister may approve. 3-4 Geo. V. c. 62, s. 6.

COUNTY COMMITTEES.

Children's
committees

7.--(1) In any electoral district, town or village there may be established by the children's aid society of the county or by the Superintendent a committee consisting of not less than six persons, at least one half of whom shall if practicable be women, to be known as the "Children's Committee;" and the committee and the members thereof shall co-operate with the Superintendent and with the children's aid societies.

Powers of
committee

(2) The committee or any member thereof shall have and may exercise the powers conferred by sections 8 and 9 under the direction of the society, and may adopt such methods as they may think best for securing voluntary subscriptions to be devoted to carrying out the objects of this Act. 3-4 Geo. V. c. 62, s. 7.

APPOINTMENT AS PROBATION OFFICERS.

Powers as
probation

8. The officers of a children's aid society may act as probation officers for the purpose of enforcing the provisions of this Act and of *The Industrial Schools Act*. 3-4 Geo. V. c. 62, s. 8.

Rev. Stat.
c. 271.

APPREHENSION OF NEGLECTED CHILDREN.

Neglected
child—
Appre-
hension.

9. (1) A constable or a person authorized under section 8 to act as a probation officer or a chief constable or inspector of police may apprehend without warrant and take to a place of safety any neglected child.

Proceed-
ings before
Judge.

(2) The child shall be returned to its parents or guardians or be brought before the Judge for examination within one week after apprehension, and the Judge shall investigate the facts of the case and ascertain whether the child is a neglected

child and its age, and the name, residence and religion of its parents.

(3) The Judge may compel the attendance of witnesses and Witnesses. may require the attendance of the crown attorney upon such investigation.

(4) The parents or person having the actual custody of a Parents, etc., may appear. child shall be notified of the investigation, and any person appear on behalf of the child.

(5) If on such investigation the Judge finds that the child Child may be delivered to Society. is a neglected child he may order that the child be delivered to a children's aid society; and the society may send the child to their temporary home or shelter to be kept until placed in a foster home.

(6) The order shall contain a statement of the facts so far Order to be filed with Superintendent and Society. as ascertained, and shall name the municipal corporation liable for maintenance, and shall be filed with the Superintendent, and the Judge shall transmit a certified copy thereof to the children's aid society.

(7) The expense of conveying a child to any shelter or Expenses of conveyance of child. industrial school shall be paid by the treasurer of the county, city, separated town or provisional judicial district in which such child is committed, and the person conveying such child shall, when practicable, be an officer of a children's aid society. 3-4 Geo. V. c. 62, s. 9.

10. The Superintendent and any person acting under his Employment of local constables. authority may call to his aid in the performance of his duties a constable of the locality, and the constable when so called shall be entitled for his services to the same fees as he would be entitled to for like services under *The Administration of Justice Expenses Act*, and the same shall be payable in like manner as the fees of constables are payable under that Act. Rev. Stat. c. 96. 3-4 Geo. V. c. 62, s. 10.

11. The superintendent of any infants' or children's home Committal of deserted child to a society. or other public institution having the custody of children may bring before the Judge any child who there is cause to believe has been neglected or deserted by its parents, and the Judge may make an order committing the child to the care of a children's aid society under the provisions of this Act. 3-4 Geo. V. c. 62, s. 11.

MAINTENANCE OF CHILDREN.

12.—(1) When committing a child to the custody or con- Order for maintenance by municipality. trol of a children's aid society the Judge shall make an order for the payment by the corporation of the municipality to which the child belongs of a reasonable sum, not less than \$2 weekly, for the expense of supporting the child by the society

or in a temporary home, or in a foster home where children are not cared for without compensation.

When under temporary care of society.

(2) A like order may also be made on the application of a society for the maintenance of a child while under the temporary care of the society.

What presumed to be residence of child.

(3) For the purposes of this section a child shall be deemed to belong to the municipality in which it has last resided for the period of one year; but in the absence of evidence to the contrary residence for one year in the municipality in which the child was taken into custody shall be presumed.

Residence of mother, where child under age of one year.

(4) In the case of a child under one year of age the municipality in which the child's mother has last resided for one year shall be deemed liable for maintenance.

Recovery from other municipalities.

(5) The corporation of a municipality which has made a payment under the provisions of this section for the maintenance of a child in respect to whom some other municipal corporation is liable shall be entitled to recover the amount so paid from such other corporation. 3-4 Geo. V. c. 62, s. 12.

Judge may order parent to contribute.

13.—(1) The Judge may order the parent of a child who has been committed to a children's aid society or placed in a foster home to contribute toward the child's maintenance, and upon default of payment of the amount ordered to be paid may order that such parent be imprisoned for any period not exceeding forty days, and such committal shall not affect the right to a further or other order for committal for a subsequent default.

Municipality not relieved.

(2) Nothing in this section shall relieve the municipal corporation from payment when the parent is unable or refuses to contribute.

Additional maintenance.

(3) At any time after the committal of a child or its being placed in a foster home the children's aid society or foster parent may apply to the Judge for an order for the payment of such additional maintenance as to him may seem just.

Enforcing the order. Rev. Stat. c. 79.

(4) An order made under section 12 or this section may be enforced under *The Judges Orders Enforcement Act*. 3-4 Geo. V. c. 62, s. 13.

TO SELECT FOSTER HOMES.

Power and duty of the society.

14.—(1) The children's aid society to the care of which a child has been committed shall be the legal guardian of such child, and it shall be the duty of such society to use diligence in providing a suitable home for such child.

Society may place child in foster home.

(2) The society may place the child in a foster home during minority, or for any shorter period in the discretion of such society, under a written contract which shall provide

for the education of the child in accordance with the school law of Ontario, for teaching the child some useful occupation, for its kind and proper treatment as a member of the family, and for the payment to the society for the benefit of the child of any sum of money that may be provided for in the contract, and shall contain a provision reserving the right to withdraw the child from any person having its custody when, in the opinion of the society, the welfare of the child so requires.

(3) Where the Superintendent is of opinion that a child placed in a foster home requires special training he may order such child to be transferred to an industrial school or other institution subject to the inspection of the Superintendent or of the Inspector of Prisons and Public Charities, and such transfer shall have the same effect as if made by a Judge. 3-4 Geo. V. c. 62, s. 14.

Superintendent may transfer child to Industrial School.

PENALTY FOR ILL-TREATMENT.

15. Any person having the care, custody, control or charge of a child who ill-treats, neglects, abandons, deserts or fails to support such child shall incur a penalty not exceeding \$100, and shall in lieu of or in addition thereto be liable to imprisonment for a term not exceeding one year. 3-4 Geo. V. c. 62, s. 15.

Ill-treating, neglecting, etc.

Penalty.

STREET TRADES.

16. No girl under sixteen years of age and no boy under ten years of age shall engage in or be licensed or permitted to engage in any street trade or occupation. 3-4 Geo. V. c. 62, s. 16.

Street trades.

CHILDREN OUT AT NIGHT.

17.—(1) No child shall loiter in any public place after nine o'clock in the evening or be there unless accompanied by his parent or guardian or an adult appointed by the parent or guardian to accompany such child.

Child in public place at night.

(2) A child found in a public place after the hour named in subsection 1 unless so accompanied may be warned to go home by any constable or probation officer or officer of a children's aid society, and if after such warning the child is found loitering in a public place such child may be taken by the constable or officer to its home or to the children's shelter.

To be warned and taken home or to shelter.

(3) A parent who permits his child to violate this section shall for the first offence incur a penalty of \$1 without costs, and for a second offence \$2, and for a third or any subsequent offence \$5. 3-4 Geo. V. c. 62, s. 17.

Penalty for parent.

CAUSING CHILDREN TO BE NEGLECTED.

18.—(1) Any person who

Offences.

(a) causes or procures a child to be in any public place for the purpose of begging or receiving alms or

Causing child to beg.

of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale or otherwise; or

To perform
or sell in
public after
9 p.m.

(b) causes or procures a child to be in any public place for the purpose of singing, playing, or performing for profit, or offering anything for sale between nine o'clock in the evening of one day and seven o'clock of the following morning; or

To be in
for purpose
of perform-
ing.

(c) subject to the provisions of subsection 2, causes or procures any child to be at any time for the purpose of singing, playing or performing for profit or offering anything for sale in any circus or other place of public amusement to which the public are admitted by payment; or

Causing
child to be
a neglected
child.

(d) is guilty of an act or omission which contributes to a child being or becoming a neglected child,

Penalty.

shall incur a penalty not exceeding \$100 and in lieu of or in addition thereto shall be liable to imprisonment for a term not exceeding one year.

Permission
for child
to perform
in public.

(2) In the case of any entertainment or series of entertainments to take place in premises used for public entertainment or in any circus or other place of public amusement, where it is shown that proper provision has been made to secure the health and kind treatment of a child proposed to be employed thereat, the head of the council of the municipality may grant a license for such time and during such hours of the day and subject to such restrictions and conditions as he may think fit for any child over ten years of age of whose fitness to take part in such entertainment or series of entertainments without injury he is satisfied; and such license may at any time be varied, added to or revoked by him.

Officer to be
appointed
to super-
vise.

(3) The municipal council shall assign to some person the duty of seeing that the restrictions and conditions of any license granted under the authority of this section are duly complied with; and such person shall have power to enter, inspect and examine any place at which the employment of a child is for the time being licensed; and that duty shall be discharged by the chief constable of the municipality until some other person is appointed. 3-4 Geo. V. c. 62, s. 18.

POWER OF SEARCH.

Search for
child

19.—(1) If it appears to a justice of the peace, on information laid before him on oath by any person who in the opinion of the justice is *bona fide* acting in the interest of the child, that there is reasonable cause to suspect that a child has been or is being ill-treated or neglected in any place within the jurisdiction of such justice in a manner likely to

cause the child unnecessary suffering, or to be injurious to his health or morals, such justice may issue a warrant authorizing any person named therein to search for such child and to take it to and detain it in a place of safety until it can be brought before a Judge, and the Judge before whom the child is brought may cause it to be dealt with as provided for in this Act.

(2) The justice may by the same warrant cause any person accused of an offence in respect of the child to be apprehended and brought before a Judge to be dealt with according to law. Order for apprehension.

(3) Any person authorized by the warrant may enter, if need be by force, any house, building or other place specified in the warrant and may remove the child therefrom. Right of entry by officer.

(4) It shall not be necessary in any information or warrant laid or issued under the provisions of this section to describe a child by name. 3-4 Geo. V. c. 62, s. 19. Particular description not needed.

INTERFERING WITH WARDS.

20.—(1) No person shall

(a) induce any child to leave the building or premises or custody or control of any children's aid society, immigration society, children's institution or industrial school;

(b) induce or attempt to induce a child under the age of twenty-one years to leave any service or apprenticeship or any place where the child has been lawfully placed for the purpose of being nursed, supported, educated, adopted or employed;

(c) induce or attempt to induce any child under the age of twenty-one years to break any articles of apprenticeship or agreement lawfully entered into by or with the authority of the trustees or directors or governing body of any such children's aid society, immigration society, home or asylum respecting such child; or

(d) detain or harbour such child after demand made by or on behalf of any officer of any such society or institution for delivery up of such child.

(2) A person who violates the provisions of this section shall incur a penalty not exceeding \$20. 3-4 Geo. V. c. 62, s. 20. Penalty.

JUVENILE OFFENDERS.

21.—(1) A child charged with an offence against the laws of Ontario or who is brought before a Judge under any of Separate custody of juvenile offenders.

the provisions of this Act shall not, before trial or examination, be confined in a lock-up or a police cell used for persons charged with crime, nor, save as hereinafter mentioned, shall such child be tried or have its case disposed of in the police court room ordinarily used.

Municipal-
ities to pro-
vide same.

(2) The council of every local municipality shall make provision for the separate custody and detention of such child prior to its trial or examination by arrangement with some person or society willing to undertake the responsibility of such temporary custody or detention on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-ups or police cells.

Children's
Courts.

(3) The Judge shall try such child or examine into its case and dispose thereof in premises other than the ordinary police court premises or, where this is not practicable, in the private office of the Judge if he have one, or in some other room in the municipal building.

Enquiry
may take
place in
premises of
Society.

(4) Where a children's aid society possesses premises affording the necessary facilities and accommodation, a child may, after apprehension under the provisions of this Act, be temporarily taken charge of by the society until its case is disposed of: and the Judge may hold the examination into the case of such child in the premises of the society.

Trial of
offence of
child or
parent—
Excluding
public.

(5) Where a child or a parent charged with an offence in respect of a child under this Act is being tried, the Judge shall exclude from the room or place where such person is being tried or examined all persons other than the counsel and witnesses in the case, officers of the law or of any children's aid society and the immediate friends or relatives of the child or parent. 3-4 Geo. V. c. 62, s. 21.

TO NOTIFY SOCIETY'S AGENT.

Notice of
complaint
against
child to be
sent to
Society.

22.—(1) Where a complaint is made or pending against a child, the police official having charge of the child shall at once cause notice in writing to be given to the executive officer of the children's aid society, if there be one in the county or district, who shall have opportunity allowed him to investigate the charge.

Society's
officer to
make
enquiry.

(2) Upon receiving such notice the officer may enquire into and make full examination as to the parentage and surroundings of the child and all the circumstances of the case and report the same to the Judge.

Judge may
order officer
to take
charge of
child.

(3) Where it appears to the Judge that the public interest and the interest of the child will be best served thereby, an order may be made for the return of the child to its parents or friends, or the Judge may place such child under the guardianship of the children's aid society or of an industrial school. 3-4 Geo. V. c. 62, s. 22.

DISPOSAL OF YOUTHFUL OFFENDERS.

23.—(1) The Judge instead of committing a child to prison may hand over the child to the charge of a home for destitute and neglected children or industrial school or children's aid society, and the managers of such home, school or society may permit its adoption by a suitable person, or may apprentice it to a suitable trade, calling or service, and the transfer shall be as valid as if the managers were the parents of such child.

Judge may hand over child to home or Industrial School.

(2) The parents of such child shall not remove or interfere with the child so adopted or apprenticed except by permission in writing of the home, school or society. 3-4 Geo. V. c. 62, s. 23.

Interference by parent.

CHILDREN UNDER ARREST.

24. No child held for trial or under sentence in any gaol or other place of confinement shall be placed or allowed to remain in the same cell or room in company with adult prisoners; and the officer in charge of such place of confinement shall secure the exclusion of such child from the society of adult prisoners during its confinement. 3-4 Geo. V. c. 62, s. 24.

Child not to be confined in company with adult offenders.

COMMISSIONERS MAY BE APPOINTED.

25. The Lieutenant-Governor may appoint Commissioners with the powers of police magistrates to hear and determine complaints and to enforce any of the provisions of this Act or against juvenile offenders apparently under the age of sixteen years. 3-4 Geo. V. c. 62, s. 25.

Commissioners.

DOUBT AS TO AGE.

26. Where a person is charged with an offence under this Act in respect of a child who is alleged to be under a specified age, and the child appears to the Judge to be under that age, such child shall for the purposes of this Act be deemed to be under that age unless the contrary is proved. 3-4 Geo. V. c. 62, s. 26.

Presumptive age of child.

APPLICATION FOR PRODUCTION OF CHILD.

27.—(1) Where a parent applies to a Judge of the Supreme Court for an order for the production of a child committed under this Act, and the Judge is of opinion that the parent has neglected or deserted the child or that he has otherwise so conducted himself that the Judge should refuse to enforce his right to the custody of the child the Judge may, in his discretion, decline to make the order.

Application to Court for production of child.

Court may order compensation.

(2) If at the time of the application the child is being brought up by another person or has been placed out by a children's aid society the Judge if he directs the child to be given up to the parent may order that the parent shall pay to such person or society the whole of the expense properly incurred in bringing up the child, or such portion thereof as may seem just.

Order when child deserted or brought up by others.

(3) Where a parent has

(a) abandoned or deserted his child; or

(b) allowed his child to be brought up by another person at that person's expense, or by a children's aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

Child not to be delivered to parent unless fit person.

the Judge shall not make an order for the delivery of the child to the parent unless he satisfies the Judge that having regard to the welfare of the child he is a fit person to have the custody of the child.

Order as to religious education.

(4) If the Judge is of opinion that the parent ought not to have the custody of the child but that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child shall be brought up, the Judge shall have power to make such order as he may think fit to secure that the child be brought up in that religion.

Parent wishes to be consulted.

(5) Nothing in this section shall affect the power of the Judge to consult the wishes of the child in determining what order ought to be made or any right which a child now possesses to exercise its own free choice. 3-4 Geo. V. c. 62, s. 27.

RELIGION OF CHILD.

Roman Catholic and Protestant child.

28.—(1) Notwithstanding anything in this Act, no Protestant child shall be committed to the care of a Roman Catholic children's aid society or institution, nor shall a Roman Catholic child be committed to a Protestant children's aid society or institution; and in like manner no Protestant child shall be placed out in any Roman Catholic family as its foster home, nor shall a Roman Catholic child be placed out in any Protestant family as its foster home.

Where only one Society in municipality.

(2) This section shall not apply to the care of a child in a temporary home or shelter in a municipality in which there is but one children's aid society. 3-4 Geo. V. c. 62, s. 28.

PENALTIES, HOW RECOVERABLE.

Recovery of penalties.

29. The penalties imposed by or under the authority of this Act shall be recoverable and may be enforced under *The*

Ontario Summary Convictions Act, and the provisions of ^{Rev. Stat. c. 90.} that Act shall apply to prosecutions for a violation of this Act. 3-4 Geo. V. c. 62, s. 29.

RIGHT OF INSPECTION.

30. Every society or person to whose care a child is committed under the provisions of this Act, and every person intrusted with the care of any such child, shall from time to time permit such child to be visited, and any place where such child may be or reside to be inspected by the Superintendent or any person duly authorized in that behalf. 3-4 Geo. V. c. 62, s. 30. ^{Right of Superintendent to inspect.}

JUVENILE IMMIGRATION.

31.—(1) The Lieutenant-Governor in Council may authorize any society or agent to carry on the work of bringing into Ontario neglected or dependent children, who are not feeble-minded and who before arrival in Ontario are certified by a regularly qualified medical practitioner to be free from disease of any kind, for the purpose of providing foster homes for such children or binding them as apprentices or otherwise. ^{Authority to bring children into Ontario.}

(2) Authority to bring such children into Ontario shall only be granted on condition that if any such child becomes, within five years of his immigration, an inmate of a prison, hospital or other charitable institution where such child is likely to become a permanent charge, the Inspector of Prisons and Public Charities shall notify the society or agent under whose auspices the child was brought into Ontario in order that such child may be deported. 3-4 Geo. V. c. 62, s. 31. ^{Conditions of authority.}

32.—(1) Every such society or agent shall keep a record in a register prescribed by the Superintendent for that purpose of the names of all children brought into Ontario, their ages and such particulars as may be required to indicate the provision made for each child's adoption or apprenticeship; and a copy of the records made by each society or agent shall be filed with the Superintendent on the first day of January and July of each year. ^{Societies to keep records.}

(2) Any society or agent who knowingly makes or is a party to the making of or procuring to be made, directly or indirectly, any false return shall incur a penalty of \$1,000 which may be recovered with costs by action at the suit of the Crown only. 3-4 Geo. V. c. 62, s. 32. ^{Penalty for false return.}

33. Every society or agent shall maintain careful supervision over every child brought or caused or procured to be brought into Ontario by such society or agent until such child attains the age of eighteen years; and it shall be the duty of ^{Duties of societies and agents as to children brought into Ontario.}

such society or agent to cause a personal visit by an agent, specially appointed for that purpose, to be made to each such child at least once in every year until the child has attained such age; and for the purposes of this Act, and for the protection of the person and earnings of the child, the society or agent, until the child attains the age of eighteen years, shall have all the powers and shall perform all the duties by law provided in the case of the guardian of an infant. 3-4 Geo. V. c. 62, s. 33.

As to
school
attendance.

Rev. Stat.
c. 274.

34. Every society, agent or person having the custody of any child heretofore or hereafter brought into Ontario shall be entitled to send such child to the public or separate schools of the municipality or school section in which the child resides in the same manner as the child of any ratepayer in the municipality or school section; and every such society, agent or person having the custody of any such child shall be subject to *The Truancy Act* and to the penalties imposed by that Act in the same manner and to the same extent as any ratepayer. 3-4 Geo. V. c. 62, s. 34.

Penalty
for bringing
children
into the
Province
unlawfully.

35. Any society or agent engaging in the work of bringing children to Ontario without an Order in Council permitting them to do so shall on conviction before a magistrate or Judge incur a penalty not exceeding \$100 or in default of payment shall be liable to imprisonment for a period not exceeding three months. 3-4 Geo. V. c. 62, s. 35.

CHAPTER 232.

An Act for the Protection of Females in Institutions subject to Inspection.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Female Patients and Prisoners Protection Act*. 3-4 Geo. V. c. 80, s. 1. Short title.

2. No person shall at any time or place within the precincts of any institution which is subject to inspection by the Inspector of Prisons and Public Charities unlawfully and carnally know any female, who is capable in law of giving her consent to such carnal knowledge, while she is a patient or is detained or imprisoned in such institution. 3-4 Geo. V. c. 80, s. 2. Offence.

3. Every person who contravenes the next preceding section shall be liable to imprisonment for any term less than two years. 3-4 Geo. V. c. 80, s. 3. Penalty.

4. Prosecutions for offences against this Act shall be had under *The Ontario Summary Convictions Act*, the provisions of which shall apply, except that the prosecution shall be before a police magistrate or two justices of the peace. 3-4 Geo. V. c. 80, s. 4. Prosecutions. Rev. Stat. c. 90.

CHAPTER 233.

An Act respecting Juvenile Courts.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title. 1. This Act may be cited as *The Juvenile Courts Act*.
- Juvenile Courts. 2. The Lieutenant-Governor in Council may by Order in Council fix the salary to be paid to the magistrate or officer constituting a juvenile court under *The Juvenile Delinquents Act, 1908*, for a city or town, and such salary shall be paid by the city or town at the time and in the manner set forth in such Order in Council. 1 Geo. V. c. 17, s. 27.
- 7 and 8
Edw. VII.
c. 40 (Dom.)
- Detention homes. 3. Every temporary home or shelter provided for children under section 6 of *The Children's Protection Act of Ontario* shall be a detention home within the meaning of *The Juvenile Delinquents Act, 1908*. 10 Edw. VII. c. 96, s. 2.
- Rev. Stat.
c. 231.
7 and 8
Edw. VII.
c. 40 (Dom.)
- Agent of Children's Aid Society to be probation officer. 4. Every agent of a Children's Aid Society formed under *The Children's Protection Act of Ontario* shall be a probation officer within the meaning of *The Juvenile Delinquents Act, 1908*. 10 Edw. VII. c. 96, s. 3.

CHAPTER 234.

An Act respecting the Sale of Tobacco to Minors.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Minors' Tobacco Sales Act*. Short title.

2.—(1) No person shall either directly or indirectly sell or give or furnish to a minor under eighteen years of age cigarettes, cigars or tobacco in any form. R.S.O. 1897, c. 261, s. 2, *part*. Supplying tobacco to persons under 18.

3. Every person who contravenes section 2 shall incur a penalty of not less than \$10 nor more than \$50, recoverable under *The Ontario Summary Convictions Act*. R.S.O. 1897, c. 261, s. 1, *part*. Penalty. Rev. Stat. c. 90.

4. This Act shall not apply to a sale to a minor for his parent or guardian under a written request or order of the parent or guardian. R.S.O. 1897, c. 261, s. 2. Where minor purchases for parent or guardian.

5. A person who appears to the Magistrate to be under 18 years of age shall be presumed to be under that age unless it is shown by evidence that he is in fact over that age. R.S.O. 1897, c. 261, s. 3. Presumption as to age.

CHAPTER 235.

An Act to regulate the means of Egress from Public Buildings.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Statute.

1. This Act may be cited as *The Egress from Public Buildings Act*.

Means of public egress, and open outwards.

2. In every church, school, house, hall or other building hereafter or hereafter constructed or used for holding public meetings, or as a place of public resort or amusement, every outer door and every door leading from the assembly hall or room or school rooms shall be so hinged that it may open freely outwards, and every gate of an outer fence if not so hinged shall be kept open by proper fastenings during the time such building is publicly used, to facilitate the egress of people, in case of alarm from fire or other cause. 1 Geo. V. c. 72, s. 1.

Provision ecclesiastical or school buildings.

3. Every congregation or society possessing corporate powers and every trustee, incumbent, churchwarden or other person holding churches, schools or buildings used for churches or schools shall be severally liable, as trustees for such societies, congregations or schools, to the provisions of this Act. 1 Geo. V. c. 72, s. 2.

Penalty.

4.—(1) Any person owning, possessing or managing a public hall, school, house, church or other building used for public meetings who contravenes the provisions of this Act, or any of them, or the regulations made hereunder, or any of them, shall incur a penalty not exceeding \$50 recoverable before any two justices of the peace or before the mayor or police magistrate of any city or town.

Penalty.

(2) If the necessary changes are not made, the person offending shall incur a further penalty of \$5 for every week succeeding that in which the information is laid.

Penalty.

3. One moiety of the penalty shall be paid to the person laying the information and the other moiety to the corporation of the municipality within which the offence is committed. 1 Geo. V. c. 72, s. 3.

Recovery of

4. The penalty shall be recoverable under *The Ontario Rev. Stat. c. 90. Summary Convictions Act*.

5. The Lieutenant-Governor in Council may make regulations for the enforcement of this Act and the safety and convenience of persons assembled in buildings within the provisions of this Act. 1 Geo. V. c. 72, s. 4.

Regulations
by Lieutenant-
Governor in
Council.

CHAPTER 236.

An Act to regulate Halls, Theatres and Cinematographs.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Theatres and Cinematographs Act*. 1 Geo. V. c. 73, s. 1.

Regulations by Lieutenant-Governor-in-Council as to theatres.

2. The Lieutenant-Governor in Council may make Regulations similar or different in different localities, or with reference to different classes of buildings, or having application to different classes of performances or to different conditions governing the erection, operation and safety of theatres, including inspection and supervision, and shall have every power for such purpose which shall be necessary to carry into effect the terms of this section. 1 Geo. V. c. 73, s. 2.

Licensing and regulating cinematographs, etc.

3. The Lieutenant-Governor in Council may impose a license fee upon and make Regulations for licensing, using and operating of cinematographs, moving picture machines or other similar apparatus, for prescribing the conditions under which such machines shall be operated, for licensing, operating and defining of film exchanges, for prohibiting or regulating films or slides to be exchanged or exhibited, for examining, regulating and licensing operators and for prescribing the terms and conditions under which such machines shall be operated or such films sold, leased or exchanged. 2 Geo. V. c. 54, s. 1.

Board of Censors.

4.—(1) The Lieutenant-Governor in Council may appoint a Board of Censors, to hold office during pleasure, composed of three persons who shall have power to permit the exhibition of or absolutely to prohibit or reject any film or slide which it is proposed to use in Ontario and to suspend for cause the license of any operator.

Appeal from Board.

(2) There shall be an appeal from the Board of Censors to the person, body or Court designated and subject to the conditions prescribed by regulation of the Lieutenant-Governor in Council. 2 Geo. V. c. 54, s. 2.

Inspector.

(3) The Lieutenant-Governor in Council may appoint an Inspector to inspect theatres, cinematographs, moving picture machines or other similar apparatus and perform such

other duties as the Lieutenant-Governor in Council may require. 3-4 Geo. V. c. 18, s. 40.

5. No cinematograph, moving picture machine or other similar apparatus shall exhibit any films which have not been stamped by the Board of Censors, and no such cinematograph, moving picture machine or other similar apparatus shall be kept or exhibited for entertainment until the owner, user or exhibitor of such apparatus has complied with the Regulations and obtained a license from the Treasurer of Ontario. 1 Geo. V. c. 73, s. 5.

Films to be stamped by Board of Censors.

6. All films passed or permitted to be exhibited by the Board of Censors shall be stamped in such manner that the stamp will show upon the canvas, screen or any substitute therefor, unless otherwise authorized, such authorization to be submitted to the inspection of any person on demand, and no exhibition of such film shall be prohibited by any police officer or constable or other person on account of anything contained in such film. 2 Geo. V. c. 54, s. 3.

Stamps to show on canvas.

7.—(1) The user or exhibitor of every cinematograph, moving picture machine or other similar apparatus, the owner, lessee or manager of every film exchange and the person operating such cinematograph, moving picture machine or other similar apparatus shall each pay in advance to the Treasurer of Ontario an annual license fee.

License fee.

(2) The amount of the license fee may be different in the case of the user or exhibitor, in the case of the owner, lessee or manager and in the case of the person operating, and shall be fixed by the Regulations. 1 Geo. V. c. 73, s. 7.

Amount.

8. Any person in charge of such cinematograph, moving picture machine or other similar apparatus, or the owner, proprietor, manager or person having control thereof who uses any such machine for public entertainment without having complied with, or in contravention of the Regulations, or without having a license therefor from the Treasurer of Ontario, or who exhibits films not authorized by the Board of Censors as required by this Act shall be guilty of an offence against this Act. 2 Geo. V. c. 54, s. 4.

Exhibiting in violation of regulations.

9. No municipal corporation shall issue a license for any cinematograph, moving picture machine or other similar apparatus to which this Act applies until the applicant produces a license from the Treasurer of Ontario authorizing the exhibition in the municipality, and any member or officer of a municipal corporation who is a party to the issue of any license in contravention of this Act shall incur a penalty of \$20. 1 Geo. V. c. 73, s. 9.

Municipal licenses not to be issued, until provincial license granted.

10. A child under the age of fifteen years unaccompanied by an adult shall not be permitted to attend any exhibition by

Children under 15 years of age.

cinematograph, moving picture machine or other similar apparatus at which exhibition an admission fee is charged. 1 Geo. V. c. 73, s. 10.

Penalty.

11. Any person contravening any of the provisions of this Act, save sections 9 and 12, or any Regulation shall incur a penalty of not less than \$50 nor more than \$200, and a further penalty of \$25 for every day after conviction upon which such offence continues. 1 Geo. V. c. 73, s. 11.

Liability for
bodily injury
or loss of
life.

12. If any breach of this Act or of any of the Regulations causes directly or indirectly bodily injury or loss of life the owner, lessee, manager, operator or other person through or by whom such breach occurred shall, in addition to any other penalty prescribed by law, be liable to imprisonment for a term not exceeding one year. 1 Geo. V. c. 73, s. 12.

Inspection by
Ontario Pro-
vincial
Police.

13. For the purpose of enforcing the provisions of this Act and of the Regulations, the Ontario Provincial Police or a member of the Board of Censors or such other person appointed under this Act are hereby empowered and directed at any time to inspect any cinematograph, moving picture machine or other similar apparatus which is used or kept on premises licensed under this Act. 2 Geo. V. c. 54, s. 5.

Duty of
Chief
Constable.

14. In a city, town or village it shall also be the duty of the Chief Constable or Chief of Police to enforce the provisions of this Act and the Regulations. 1 Geo. V. c. 73, s. 14.

Recovery
of penalties,
Rev. Stat.
c. 90.

15. (1) The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*.

Application
of penal-
ties.

(2) All penalties recovered under this Act shall be paid to the Treasurer of Ontario. 1 Geo. V. c. 73, s. 15.

Regulations
generally.

16. The Lieutenant-Governor in Council shall have power to make such regulations as may be deemed necessary, advisable or convenient for the purpose of carrying into effect the provisions of this Act. 1 Geo. V. c. 73, s. 16.

CHAPTER 237.

An Act for the Prevention of Accidents by Fire in
Hotels and other like Buildings.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Prevention of Accidents by Fire in Hotels Act*. 3-4 Geo. V. c. 63, s. 1. Short title.

2. In this Act,

Interpreta-
tion.

(a) "Hotel" shall mean and include any inn, tavern, public house or place of refreshment where lodgings are let, furnished or provided for the public; "Hotel."

(b) "Inspector" shall have the same meaning as in *The Liquor License Act*; "Inspector."
Rev. Stat.
c. 215.

(c) "License District" shall have the same meaning as in *The Liquor License Act*. 3-4 Geo. V. c. 63, s. 2. "License
District."
Rev. Stat.
c. 215.

3.—(1) Every hotel exceeding two storeys in height shall have at least one permanent outside stairway or ladder from each landing or floor above the first storey and extending to at least the first storey. Hotels to
have outside
stairways
or ladder
above first
storey.

(2) The stairway or ladder shall be built of iron and firmly attached to the wall of the building, and shall be supplied with a hand-rail on each side, and shall be of sufficient strength to sustain a weight of at least one thousand pounds. To be of
iron and
firmly
attached to
wall and
with hand-
rail.

(3) It shall be unlawful to carry on the business of a hotelkeeper in any such building unless the provisions of subsections 1 and 2 are complied with. 3-4 Geo. V. c. 63, s. 3. Contraven-
tion.

4. It shall be the duty of the owner of the hotel to erect and maintain such stairway or ladder, and of the keeper or proprietor of the hotel to keep the way or passage to the stairway or ladder at all times unobstructed and the access to it free. 3-4 Geo. V. c. 63, s. 4. Duty of
owner.

Of hotel
keeper.

5. If by reason of the default of any owner, after reasonable notice requiring him to erect the same, a keeper or proprietor is compelled to erect a ladder or stairway under the provisions of this Act the keeper or proprietor shall have a right of action or set-off against the owner for all actual Right of
action or
set off by
keeper, etc.,
against owner.

necessary and reasonable disbursements made by him by reason of the default of the owner. 3-4 Geo. V. c. 63, s. 5.

Fire escapes to be kept in all bed-rooms.

6.—(1) The keeper or proprietor of every hotel shall provide and keep in each sleeping apartment or bed-room above the ground floor a fire escape for the use of guests occupying the same.

What deemed a sufficient fire escape.

(2) Such fire escape shall be sufficient if it consists of a rope not less than three-quarters of an inch in thickness of sufficient length to reach from the room or apartment in which it is kept to the ground below, kept in a coil or other convenient position in the bed-room or apartment, with proper, secure and convenient fastenings or appliances at the outside window or opening to which one end of the rope may be safely secured or fastened. 3-4 Geo. V. c. 63, s. 6.

Other outside fire escapes may be approved of by inspector.

7. If an hotel is provided with outside stationary or other fire escapes, differing from what is herein prescribed, by means of which, in the opinion of the inspector of the license district in which the hotel is situate, a reasonably safe and convenient means of egress from the sleeping apartments or bed-rooms is provided in case of fire, the same shall be deemed a compliance with this Act so far as relates to all sleeping apartments or bed-rooms from the outside windows or openings of which there is access to such fire escapes; but the keeper or proprietor of such hotel shall procure a certificate from the inspector certifying to the sufficiency of such fire escapes; and a copy of the certificate shall be transmitted by the inspector to the clerk of the municipality in which the hotel is situate. 3-4 Geo. V. c. 63, s. 7.

Notice as to fire escapes to be posted in rooms.

8. The keeper or proprietor of every hotel shall, in addition to the notices which he is now required by law to keep posted up in each sleeping apartment or bed-room, also keep posted up therein a notice calling attention to the fire escapes and containing full directions for the use of the same, as well as a statement of the situation of the outside stairway or ladder and of the means of access to the same. 3-4 Geo. V. c. 63, s. 8.

Penalty.

9.—(1) If an owner, lessee, keeper or proprietor of any hotel neglects to observe any of the provisions of this Act he shall incur a penalty for each offence of not less than \$20 or more than \$200, recoverable under *The Ontario Summary Convictions Act*.

Rev. Stat. c. 90.

Continuance of neglect to constitute new offence.

(2) A conviction for any such offence shall not be a bar to a prosecution for a continuance of such neglect subsequent to the conviction, but such continuance shall constitute a new offence. 3-4 Geo. V. c. 63, s. 9.

Enforcement of Act.

10. It shall be the duty of the inspector for the license district in which the hotel is situate to take all necessary proceedings to enforce this Act. 3-4 Geo. V. c. 63, s. 10.

11. Nothing in this Act shall affect any by-law relating to the matters mentioned herein lawfully passed by a municipal council, or the authority of a municipal council to pass any such by-law so far as such by-law imposes additional or more stringent requirements than those imposed by this Act.

By-law of
municipal
council not
to be
affected.

3-4 Geo. V. c. 63, s. 11.

CHAPTER 238.

An Act to require the Owners of Threshing and other
Machines to guard against Accidents.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

short title. 1. This Act may be cited as *The Threshing Machines Act*.

Construction of
Act. The provisions of
this Act shall apply to
every person who owns
or runs a threshing
machine, wood-sawing
machine or other machine,
which is connected to a
horse-power by means of a
tumbling rod or line of
shafting, and to every
person who oiles such
machine.

2. (1) Every person owning or running a threshing machine, wood-sawing or other machine, which is connected to a horse-power by means of a tumbling rod or line of shafting, shall cause each of the knuckles, couplings or joints and jacks of such tumbling rod or line of shafting to be safely boxed or secured while running, with wood, leather or metal covering, in such manner as to prevent injury to persons passing over or near such tumbling rod, and the knuckles, couplings or joints and jacks thereof; and shall cause all oiling cups attached to arbors or journals to which driving belts are attached, to be furnished with tubes of tin or other material, which shall extend above the belts in such manner as to prevent injury to a person oiling the machine when it is in motion; and shall cause a driver's platform of sufficient size to cover the gearing of the horse-power to be so placed on it when used for driving machinery as to prevent an injury to any person from contact with such gearing. R.S.O. 1897, c. 265, s. 1.

No action for
damages shall be
maintained if pro-
visions of this
Act have been
complied with.

(2) No action shall be maintained, nor shall any legal liability exist, for services rendered by or with any such machine, where the provisions of this section have not been complied with. R.S.O. 1897, c. 265, s. 3.

Penalty for
non-compliance
with provisions of
this Act.

3. Any person owning or running a threshing, woodsawing or other machine, connected to a horse-power by means of a tumbling rod or line of shafting, who neglects or refuses to comply with the provisions of this Act, shall incur a penalty of not less than \$1 nor more than \$20, recoverable under *The Ontario Summary Convictions Act*. R.S.O. 1897, c. 265, s. 2.

How, when
and where
to be paid.

Application
of provisions of
this Act.

4. All penalties imposed and collected under this Act shall be paid, one-half to the complainant or prosecutor, and the other half to the treasurer of the school section in which the offence was committed, for the use of the public school in such section. R.S.O. 1897, c. 265, s. 4.

5. All proceedings against any person for a violation of section 2 of this Act shall be commenced within thirty days after the commission of the offence. R.S.O. 1897, c. 265, s. 5. ^{Limitation of prosecution.}

6. A conviction under this Act shall not be quashed for any defect in the form thereof, or for any omission or informality in any summons or other proceeding under this Act, so long as no substantial injustice results therefrom. R.S.O. 1897, c. 265, s. 6. ^{Informalities in conviction.}

CHAPTER 239.

An Act respecting Offensive Weapons.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Offensive Weapons Act*.
1 Geo. V. c. 66, s. 1.

Sale of
certain
weapons
to unau-
thorized
per-
sons pro-
hibited.

2. Every person who exposes for sale, offers for sale or sells any bowie-knife, dirk, dagger, stiletto, metal knuckles, skull cracker or slung shot, or who sells a revolver, pistol or air gun to any person other than one holding a certificate issued under section 118 of *The Criminal Code*, or one, being over 18 years of age, who produces to and leaves with the vendor a permit in writing, signed by the Superintendent of Provincial Police, or a chief constable of a city or town, allowing him to purchase a revolver, pistol or air gun, shall incur a penalty of not less than \$25 nor more than \$200, and upon conviction may also be imprisoned for a term not exceeding six months; and the bowie-knife, dirk, dagger, stiletto, metal knuckles, skull cracker or slung shot, revolver, pistol or air gun so exposed or offered for sale, or sold by such person, shall be confiscated by the police magistrate or justice and transferred to the Superintendent of Provincial Police or destroyed as such magistrate or justice may see fit. 1 Geo. V. c. 66, s. 2.

R.S.C. c. 146.

Penalty.

Record
of sales.

3.—(1) Every person who sells a revolver, pistol or air gun under the provisions of section 2 without keeping a record of the date of the sale, name of maker, serial number of such revolver, pistol or air gun, and the name, address and occupation of the purchaser, or who sells or exposes or offers for sale any revolver or pistol which does not bear a serial number and the maker's name shall incur a penalty of not less than \$25 nor more than \$200, and upon conviction may also be imprisoned for a term not exceeding six months; and the revolver, pistol or air gun so exposed or offered for sale, or sold by such person, shall be confiscated by the police magistrate or justice and transferred to the Superintendent of Provincial Police, or destroyed as such magistrate or justice may see fit.

Inspection.

(2) The record referred to in subsection 1 may be inspected at any time by any peace officer and a copy thereof

shall be transmitted by the person making the sale to the Superintendent of Provincial Police within seven days after the 31st March, 30th June, 30th September, and 31st December in each year, and in default the person making the sale shall incur a penalty not exceeding \$50. 1 Geo. V. c. 66, s. 3.

4. Every peace officer may search any person who he has reason to believe and does believe is violating any of the provisions of sections 115, 116, 117, 118, 120, 121, 123, 124, and 127 of *The Criminal Code*, and may seize any of the weapons which such person is illegally carrying, and any weapon seized under this section shall be confiscated and handed over to the Superintendent of Provincial Police or to the chief or high constable of the municipality to be by him transferred to the Superintendent of Provincial Police or destroyed as he may see fit. 1 Geo. V. c. 66, s. 4.

Search of person and seizure.

5. If any of the weapons mentioned in section 2 is found upon a person believed not to be a native of Canada by the constable making the search or by the justice of the peace or magistrate before whom such person is charged with an offence, he shall report such facts to the Provincial Secretary and the Provincial Secretary may communicate with the Minister of the Interior with the view to the deporting of such person under *The Immigration Act*. 1 Geo. V. c. 66, s. 5.

Finding weapons on foreigners.

6. The Lieutenant-Governor in Council may make such regulations as shall be deemed necessary or convenient for carrying into effect the provisions of this Act. 1 Geo. V. c. 66, s. 3.

Regulations.

7. *The Ontario Summary Convictions Act* shall apply to prosecutions under this Act.

Application of Rev. Stat. c. 90.

10. PROTECTION OF PROPERTY.

CHAPTER 240.

An Act respecting Reforestation by Counties.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Counties Reforestation Act*. 1 Geo. V. c. 74, s. 1.

County
by-laws
acquiring
lands for
reforestation
purposes.

2. The municipal council of a county may pass by-laws:—

- (a) For acquiring by purchase, lease or otherwise such land designated in the by-law as the council may deem suitable for reforestation purposes;
- (b) For planting land so acquired and for preserving and protecting the timber thereon;
- (c) For the management of such land and the sale or other disposal of the timber grown thereon;
- (d) For the issuing of debentures from time to time for the purpose of providing for the purchase of such land to an amount not exceeding \$25,000 to be owing at any one time. 1 Geo. V. c. 74, s. 2.

Approval
of by-law
by Minister
of Agriculture.

3. No by-law shall be finally passed under this Act until the same shall have been approved in writing by the Minister of Agriculture. 1 Geo. V. c. 74, s. 3.

Powers of
certain
township
councils.

4.—(1) Municipal Councils of townships in districts without county organization shall have all the powers, privileges and authority conferred by clauses (a), (b) and (c) of section 2 on councils of counties.

Idem.

(2) The councils of such townships shall have power and authority to levy by special rate a sum not exceeding \$200 in any year for the purpose of providing for the purchase of such lands. 1 Geo. V. c. 74, s. 4.

CHAPTER 241.

An Act to preserve the Forests from
Destruction by Fire.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Forest Fires Prevention Act*. 3-4 Geo. V. c. 64, s. 1. Short title.

2. In this Act,

“Minister” shall mean the Minister of Lands, Forests and Mines. 3-4 Geo. V. c. 64, s. 2. Interpretation.
“Minister.”

3.—(1) The Lieutenant-Governor in Council may, by proclamation, declare any part of Ontario described in the proclamation a fire district. Proclamation of district.

(2) Such proclamation shall be published in the *Ontario Gazette*, and the part so described shall from and after publication be a fire district within the meaning of this Act. Publication.

(3) The Lieutenant-Governor in Council may by proclamation declare that such part of Ontario shall no longer be a fire district. 3-4 Geo. V. c. 64, s. 3. Revocation.

4. No person shall set out or start, or cause to be set out or started, any fire in or near the woods within any fire district between the 1st day of April and the 1st day of November in any year except for the purpose of clearing land, cooking, obtaining warmth, or for some industrial purpose; and where a fire is started for any such purpose the obligations and precautions imposed by this Act shall be observed. 3-4 Geo. V. c. 64, s. 4. Fires not to be started except for certain purposes and in certain periods.

5. Every person who, between the 1st day of April and the 1st day of November, sets out or starts a fire within a fire district for the purpose of clearing land, shall exercise and observe every reasonable care and precaution in the setting out or starting of such fire and in the managing of and caring for it after it has been set out or started, in order to prevent the fire from spreading. 3-4 Geo. V. c. 64, s. 5. Precautions to be taken in case of clearing land.

6. Every person who, between the 1st day of April and the 1st day of November, within a fire district sets out or starts a fire, shall exercise and observe every reasonable care and precaution in the setting out or starting of such fire and in the managing of and caring for it after it has been set out or started, in order to prevent the fire from spreading. 3-4 Geo. V. c. 64, s. 6. Precautions in case of cooking, etc.

a fire in a forest, or at a distance of less than half a mile therefrom, or upon any island, for cooking, obtaining warmth or for any industrial purpose, shall—

- (a) select a locality in the neighbourhood of which there is the smallest quantity of vegetable matter, dead wood, branches, brushwood, dry leaves or resinous trees;
- (b) clear the place in which he is about to set out or start the fire by removing all vegetable matter, dead trees, branches, brush-wood and dry leaves from the soil within a radius of ten feet from the fire;
- (c) exercise and observe every reasonable care and precaution to prevent such fire from spreading and carefully extinguish the same before quitting the place. 3-4 Geo. V. c. 64, s. 6.

Locomotives
in use on
match-
burning
substances
etc.

7. Every person who throws or drops any burning match, ashes of a pipe, lighted cigar or any other burning substance, or who discharges any fire-arm within such fire district shall be subject to the penalties imposed by this Act if he neglects completely to extinguish before leaving the spot the fire of such match, ashes of a pipe, cigar, wadding of the fire-arm or other burning substance. 3-4 Geo. V. c. 64, s. 7.

Act to be
read to em-
ployees by
heads of
surveyors,
landowners
etc.

8. Every person in charge of any drive of timber, survey or exploring party, or of any other party requiring camp-fires for cooking or other purposes within a fire district shall provide himself with a copy of this Act, and shall call his men together and cause the Act to be read in their hearing and explained to them at least once in each week during the continuance of such work or service. 3-4 Geo. V. c. 64, s. 8.

Locomotive
engines
etc.

9.—(1) Every locomotive engine used on any railway which passes through any part of a fire district shall be provided with and have in use all the most approved and efficient means used to prevent the escape of fire from the furnace or ash-pan of such engine; and the smoke-stack shall be provided with a bonnet or screen of iron or steel wire netting, the size of the wire to be not less than number nineteen of the Birmingham wire gauge, or three sixty-fourth parts of an inch in diameter, and the netting shall contain in each inch square at least eleven wires each way at right angles to each other.

Contraven-
tion.

(2) For every contravention of subsection 1 the company or person operating the railway shall incur a penalty of \$100. 3-4 Geo. V. c. 64, s. 9.

Duty of en-
gine driver.

10. Every engine driver in charge of a locomotive engine passing over a railway within the limits of any fire district

shall see that all such appliances are properly used and applied so as to prevent as far as practicable the escape of fire from the engine. 3-4 Geo. V. c. 64, s. 10.

11. Every person who contravenes any provision of this Act, except those of section 9, shall incur a penalty not exceeding \$50. 3-4 Geo. V. c. 64, s. 11.

12. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*. 3-4 Geo. V. c. 64, s. 12.

Recovery of penalties.
Rev. Stat.
c. 90.

13. Nothing in this Act shall limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire. 3-4 Geo. V. c. 64, s. 13.

Right of action for damages preserved.

14. For the more effectual prevention or suppression of fires on the land of the Crown not under timber license or other form of authority to cut and remove the timber therefrom the Minister may appoint such number of persons as he may see fit, to be called fire rangers, who shall be subject to his instructions, and shall be paid for their services out of any money appropriated by this Legislature and voted by the Assembly for that purpose. 3-4 Geo. V. c. 64, s. 14.

Appointment of rangers for lands not under license.

15.—(1) Where land of the Crown is under timber license or other form of authority to cut and remove the timber therefrom the Minister may appoint such number of fire rangers as the timber licensee or holder of such other form of authority may request, and in the absence of such request, where in the opinion of the Minister such appointment is necessary in the public interest and for the carrying out of the purposes of this Act, he may appoint such number of fire rangers as he sees fit; and in such cases the remuneration to be paid such fire rangers and the expenses necessarily incurred by them in the performance of their duties shall be payable by the licensee or holder of such authority, or the Minister may pay the amount of such remuneration and expenses out of any money appropriated by this Legislature and voted by the Assembly for that purpose and may charge the timber licensee or holder of such authority with such amount, which shall be and remain a charge on the timber limit or other area covered by such authority until paid as fully and effectually as if the same were for unpaid timber dues or ground rent, and in respect of the recovery thereof the Minister shall have all the rights, powers and authority now possessed by him for the recovery of unpaid timber dues or ground rent.

Appointment of rangers for lands under license.

Remuneration.

(2) Where any such licensee or holder is desirous of having fire rangers appointed he shall submit to the Minister a list of persons for such appointment, and should any of such

When licensee holder requests appointment of rangers.

persons in the opinion of the Minister be unfit for the duties of fire ranger he may refuse to appoint them, or after appointment may discharge them and may substitute suitable and qualified persons in their place.

(3) Every fire ranger shall have power in cases of danger or emergency to summon such help or assistance for the prevention or suppression of fire as he may deem necessary, and every person so summoned and assisting shall receive such reasonable remuneration for his services as, subject to the approval of the Minister, the fire ranger summoning him may deem proper; and all expenses so incurred and approved shall be deemed to have been necessarily incurred under the provisions of this Act and shall be payable in the manner provided by subsection 1.

(4) The fire rangers shall perform such other duties, receive such wages and be subject to such conditions as may be provided by regulations made by the Lieutenant-Governor in Council. 3-4 Geo. V. c. 64, s. 15.

16. It shall be the special duty of every Crown land agent, woods and forest agent, free grant agent, bush ranger and fire ranger to enforce the provisions of this Act, and in all cases coming within his knowledge to prosecute every person guilty of a contravention of this Act. 3-4 Geo. V. c. 64, s. 16.

17.—(1) The Lieutenant-Governor in Council may by commission appoint for a limited period any Crown timber agent or wood or fire ranger a Justice of the Peace for the purpose of taking cognizance of offences against the provisions of this Act, and he shall be a Justice of the Peace in and for every county and district of Ontario, or shall have such other territorial jurisdiction as is specified in his commission.

(2) The person so appointed may by writing under his hand appoint for a limited period one or more constables for the purposes of this Act who shall have all the powers, rights and privileges for such purposes of a constable under *The Constables Act*. 3-4 Geo. V. c. 64, s. 17.

18. During the construction and after the completion of any railway passing through any of the land of the Crown, whether under timber license or not, the Minister may appoint as many fire rangers as he may see fit, for the purposes of this Act, whose duty it shall be to enforce the provisions of this Act along and adjacent to the line of such railway, and the expenses incident to and connected with such fire ranging shall be a debt due to the Crown from the railway company concerned payable upon demand of the Minister. 3-4 Geo. V. c. 64, s. 18.

CHAPTER 242.

An Act to authorize the Appointment of Fire Guardians.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Fire Guardians Act*. Short title.
2 Geo. V. c. 62, s. 1.

2.—(1) The council of a township may, on the petition of ^{Appointment of fire guardians.} one-third of the ratepayers, at any meeting to be held before the 1st day of April in any year, appoint by by-law not less than two resident freeholders for each polling subdivision within the municipality to carry out the provisions of this Act.

(2) The persons so appointed shall be called “Fire Guardians” and shall hold office until the first meeting of a new ^{Tenure of office.} council elected after their appointment and until their successors are appointed. 2 Geo. V. c. 62, s. 2.

3. No person shall, after the passing of such by-law, set out fire, or set fire to any brush heap or other combustible material, in any field, clearance or place in such township where the same would be likely to spread, between the first day of July and the first day of October in any year, without having first obtained permission in writing from one of the fire guardians. ^{Leave to be obtained before setting out fires.}
2 Geo. V. c. 62, s. 3.

4. Such permission shall not be pleaded or given in evidence in any action for negligently setting out fire, or in extenuation of so doing, or in mitigation of damages; but the absence of such permission shall be *prima facie* evidence of negligence. ^{Leave not to be relied on in actions for negligence.}
2 Geo. V. c. 62, s. 4.

5. A fire guardian on being requested to grant permission to set out fire shall examine the place at which it is intended to set out the fire and the adjacent land and the timber, trees and other property thereon, and he shall refuse such request if, in his opinion, it would not be safe to set out the fire. ^{Inspection by fire guardian before granting leave.}
2 Geo. V. c. 62, s. 5.

6. The council may, by the by-law, make provision for the payment to the fire guardians for their services and may ^{Matters to be provided for in the by-law.} fix a penalty to be imposed upon fire guardians refusing or

neglecting to perform their duties under this Act or the by-law. 2 Geo. V. c. 62, s. 6.

Penalty. 7. Any person who contravenes the provisions of section 3 shall incur a penalty not exceeding \$100, recoverable on information of any resident ratepayer in the municipality before a police magistrate or two justices of the peace sitting together under *The Ontario Summary Convictions Act*. 2 Geo. V. c. 62, s. 7.

Application of penalty. 8. The complainant shall be entitled to one moiety of the penalty and the other moiety shall be paid over to the treasurer of the municipality. 2 Geo. V. c. 62, s. 8.

When Act not to apply. 9. This Act shall not apply to any portion of Ontario which under *The Fire Rangers Act*, chapter 267 of the Revised Statutes, 1897, or under *The Forests Fires Protection Act* has been declared a fire district. 2 Geo. V. c. 62, s. 9.

CHAPTER 243.

An Act to provide Means of Extinguishing
Fires in Townships.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Fires Extinguishment Act*. Short title.
3-4 Geo. V. c. 65, s. 1.

2.—(1) The council of a county may provide by by-law By-law of county council giving powers. that fire guardians, fence-viewers, overseers of highways or pathmasters, appointed by township councils, whenever the woods or prairies in any township are on fire so as to endanger property shall order as many of the male inhabitants of such township residing in the vicinity of the place where such fire is as may be deemed necessary to repair to the place where such fire prevails and assist in extinguishing the same or in stopping its progress.

(2) Where there is no county council the council of any township may pass such by-law. By-law of township council. 3-4 Geo. V. c. 65, s. 2.

3.—(1) Every such officer shall give to every person employed by him under section 2 a certificate of the number of days' work done by him, and such work shall be allowed to him in his next year's statute labour, or, if such person is not liable to perform statute labour or not so many days' statute labour as the number mentioned in such certificate, the council may direct that such work shall be paid for out of the funds of the municipal corporation, and such person shall be entitled to be paid by the township treasurer the amount of such certificate or the amount not credited on the next year's statute labour, as the case may be. Work done to be allowed for as statute labour.

(2) The county council may also provide for the application by the township councils of so much of the commutation of statute labour fund as may be required for assisting to extinguish or stop the progress of fires within their respective municipalities. Application of commutation fund by townships. 3-4 Geo. V. c. 65, s. 3.

4. If a township council neglects to provide for the application of so much of the commutation of statute labour fund, or for payment of such amount as may be required for the purposes mentioned in the next preceding section, the county Upon default of townships, county may provide for payment of work.

Rev. Stat.
c. 195.

council may do so and may pay the amount of such certificates and impose upon the township so in default a rate sufficient for that purpose to be levied and collected in the manner provided by *The Assessment Act* for the collection of a county rate. 3-4 Geo. V. c. 65, s. 4.

Penalty for
refusing to
assist in ex-
tinguishing
fires.

Rev. Stat.
c. 90.

5. Every person who refuses or neglects to turn out and work under any fire guardian, fence-viewer, overseer of highways or pathmaster, who has ordered him to turn out for that purpose, shall incur a penalty not exceeding \$20, recoverable under *The Ontario Summary Convictions Act*. 3-4 Geo. V. c. 65, s. 5.

CHAPTER 244.

An Act to protect Beaches and Shores and Beds of Rivers and Streams.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Beach Protection Act*. Short title.
2 Geo. V. c. 63, s. 1.

2. In this Act "vessel" shall include boat, scow, raft or other craft. Interpretation.
2 Geo. V. c. 63, s. 2.

3. Nothing in this Act shall apply to property belonging to or subject to the legislative control of the Dominion of Canada. Act not to affect Dominion property.
2 Geo. V. c. 63, s. 3.

BEACHES AND SHORES.

4.—(1) No person shall take or carry away in any vessel, or otherwise transport by water, any sand, gravel or stone from the beach, shore or waters of Lake Erie, Lake Ontario or Lake Huron, so far as they are within the legislative jurisdiction of Ontario, or from any bar or flat, within such jurisdiction, adjoining any channel or entrance to such lakes unless such sand, gravel or stone is taken from a locality distant three rods or more beyond low water mark; or if the same is taken within that distance, unless such person has the written consent of the owner of the beach, shore, bar or flat; or, if such beach, shore, bar or flat belongs to Ontario, unless such person has the consent of either the Lieutenant-Governor in Council or of the owner of the land to which such beach, shore, bar or flat is adjacent. Removal of sand, stones, etc., from beaches forbidden.

(2) The consent of the Lieutenant-Governor in Council shall be sufficient without the consent of the owner of the adjacent beach, shore, bar or flat; and such consent of the Lieutenant-Governor in Council shall be necessary, where the Lieutenant-Governor in Council issues a proclamation so declaring with reference to any locality described in the proclamation. Consent of Lieutenant-Governor in Council.
2 Geo. V. c. 63, s. 4.

5. No person, without the consent required by this Act, shall land or go upon such beach, bar, flat or shore, for the purpose of removing, or assisting to remove, any gravel, sand or stone therefrom. Landing on beaches, etc., to remove sand, etc., forbidden.
2 Geo. V. c. 63, s. 5.

Possession of sand, etc., with intent to remove forbidden.

4. No person shall have on board his vessel, or on a vessel in his possession, any sand, gravel or stone, taken without the consent required by this Act, from any such beach, bar, flat or shore, with intent to carry the same away. 2 Geo. V. c. 63, s. 6.

Issue of search warrant.

7. If any person makes oath before a Justice of the Peace, that he has reason to believe, and does believe that sand, gravel or stone, in respect to which a violation of the provisions of sections 4, 5 or 6 has been committed, is on board any vessel, or at any place, the Justice of the Peace shall issue a search warrant directed to any sheriff, police officer, constable or bailiff, who shall forthwith proceed to search the vessel or place; and if any sand, gravel or stone is found therein or thereon, he shall seize the same and the vessel, if any, in which the same is contained, and shall keep them secure until final action as hereinafter provided is had thereon. 2 Geo. V. c. 63, s. 7.

Prosecution.

8. The owner, master, or person in possession of the vessel shall without further information laid be summoned forthwith by the Justice who issued the warrant, to appear before a Police Magistrate, or two Justices of the Peace; and if such owner, master or person in possession fails to appear, or if it is shown to the satisfaction of the Police Magistrate or Justices of the Peace that a violation of section 6 has been committed, the Magistrate or Justices may convict the owner, master or person in possession of the vessel. 2 Geo. V. c. 63, s. 8.

Burden of proof.

9. If any question arises as to the place from which the sand, gravel or stone was taken, the burden of proving the right to take the same shall be upon the owner, master or person in possession of the vessel whereon the same was found and seized. 2 Geo. V. c. 63, s. 9.

Penalty.

10.—(1) Any person contravening any of the preceding provisions of this Act shall incur a penalty of not less than \$10 or more than \$40 for each offence.

Application of penalty.

(2) One moiety of the penalty shall belong to the prosecutor, and the other moiety to the owner of the land, or if there is no prosecutor other than the owner, then wholly to the owner.

Sale of vessel for payment of penalty.

(3) In addition to all other remedies provided by *The Ordario Summary Convictions Act* for the recovery of the penalty, the same, if not paid in accordance with the conviction, may be levied by the sale of the vessel under the warrant of the convicting Magistrate or Justices.

Payment of balance to owner

(4) Upon return being made of the sale after satisfying the penalty and the costs of the sale, the overplus, if any, shall be paid to the owner of the vessel. 2 Geo. V. c. 63, s. 10.

BEDS OF RIVERS AND STREAMS.

11.—(1) No person shall remove any stone, gravel, earth or sand from the bed of any river, stream or creek running between two municipalities, or over which a bridge has been erected, or through or under which a drainage pipe or water main has been laid by or at the instance of a municipal corporation, so as to endanger the safety of or injure such bridge, pipe or main, without the consent of the council of the municipality or municipalities within whose limits the stone, gravel, earth or sand is to be taken. Removal of stones, etc., from beds of certain streams prohibited.

(2) Any person who contravenes this section shall, for each offence, incur a penalty of not less than \$10, or more than \$25. Penalty.

(3) Prosecutions under this section shall be taken before a Police Magistrate or two Justices of the Peace. 2 Geo. V. c. 63, s. 11. Prosecution.

PROCEDURE ON PROSECUTIONS.

12.—(1) The provisions of *The Ontario Summary Convictions Act* shall apply to prosecutions under this Act unless where otherwise expressly provided. Recovery of penalties. Rev. Stat. c. 90.

(2) The Police Magistrate or Justices shall, in the conviction, state to whom the penalty is to be paid, or between whom the same is to be apportioned. 2 Geo. V. c. 63, s. 12. Magistrates to state application of penalty.

13. In addition to the mode provided by *The Ontario Summary Convictions Act* for the service of a summons or other proceeding, the same may be served by leaving it, or a copy thereof, for the person to be served, on board any vessel to which he belongs, with the person being, or appearing to be, in charge or command of the vessel. 2 Geo. V. c. 63, s. 13. Service of proceedings.

14. In any information or complaint, laid under sections 4 to 6, it shall be sufficient to allege that the act charged was done without consent; and if at the hearing it appears that the act charged was committed by the person charged in the information or complaint, the burden of proving consent or consents by this Act required, shall be upon him. 2 Geo. V. c. 63, s. 14. Burden proof of consent.

15. The name of the owner in the information may be changed to that of any other owner to accord with the evidence, and no question which may arise as to the title to the land shall affect the authority of the Magistrate or Justices to determine whether the consent of the owner has been obtained. 2 Geo. V. c. 63, s. 15. Variance between information and evidence as to ownership.

16. Nothing in this Act shall affect the provisions of any other Act under which the right to take sand or gravel from the shore or bed of any lake, river, stream, creek or other water may be lawfully conferred. 2 Geo. V. c. 63, s. 16. Saving as to rights given under other Acts.

CHAPTER 245:

An Act respecting Beaches and River Beds.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Beaches and River Beds Act*. 2 Geo. V. c. 64, s. 1.

Application
to Railway
and Municipal
Board for
township.

2. Where a petition signed by thirty or more resident ratepayers in a township is presented to the municipal council of the township praying that an application may be made to the Ontario Railway and Municipal Board for an order permitting the ratepayers in such township or in an adjoining municipality to take sand or gravel for use in such township or adjoining municipality for building and other purposes, from the shore or bed of any lake, river, stream, creek or other waters in the municipality within the area described in the petition, the council may apply for such order as hereinafter mentioned. 2 Geo. V. c. 64, s. 2.

Map or plan
to accompany
application.

3. The application shall be accompanied by a map or plan prepared by an Ontario Land Surveyor showing the area from which it is proposed that the sand or gravel should be taken and the map or plan shall show—

- (a) The location of any buildings, docks, landing places, boat-houses, bathing houses or other structures in such area and upon any lot immediately adjoining the same;
- (b) All existing roads or other means of access to such area;
- (c) The location of any roads which may be required to afford means of access to such area; and
- (d) Such other particulars as the Ontario Railway and Municipal Board may by general regulation require. 2 Geo. V. c. 64, s. 3.

Notice of
application.

4. The application shall not be considered by the Board until notice thereof and of the time and place at which the same will be heard has been published once a week in some newspaper published in the county town of the county in which the described area is situate, or, if there is no newspaper so published, then in a newspaper published in the nearest city in the same county, and has been sent by regis-

tered post to any owner or occupant whose property is affected and to such other persons as the Chairman of the Board may direct at least thirty days before the hearing of the application. 2 Geo. V. c. 64, s. 4.

5. The Board shall at the time and place appointed hear Hearing. the council, and the petitioners or their counsel, and any owner or occupant of land which may be taken or used or affected in any manner by the granting of leave to take such sand. 2 Geo. V. c. 64, s. 5.

6. The order shall not authorize the removal of sand or gravel if it appears that such removal,— When removal of sand or gravel not to be allowed.

- (a) May cause the subsidence of or injury to or in any way interfere with any artificial work or structure having for its object the protection or formation of such beach, or the beautifying or protection of any adjoining land; or
- (b) Endanger in any manner the safety of the public or of any person using or passing over adjoining land; or
- (c) Injure, impair the beauty of or purpose of, or in any manner affect land used as an orchard, garden or pleasure ground, or as a summer residence or health resort; or
- (d) Injure or affect the safety of any highway or bridge; or
- (e) Injure or interfere in any manner with, or with the right of access to, any wharf, dock, landing stage, boat-house, bathing house, or any other structure erected for the convenience or pleasure of the public, or of the owners of adjoining land; or
- (f) That the beach, shore or bank from or opposite to which the sand or gravel is to be taken is used generally by the public or by the owners or occupants of adjoining land as a promenade, pleasure ground or play ground, or is resorted to largely for bathing and boating, and that the taking of such sand or gravel will interfere with the use of any land or land covered with water for such purposes; or
- (g) If the Board does not consider that there is a sufficient demand for such sand or gravel to render the granting of leave to take the same desirable. 2 Geo. V. c. 64, s. 6.

7. If the Board thinks fit to grant the application in whole or in part it may make an order specifying— Order granting application.

- (a) The places from which sand may be taken within the described area or any part thereof;
- (b) The means of access to be afforded for that purpose;
- (c) The compensation to be paid to the owner or occupant of any land to be passed over or from which such sand may be taken or which may be affected in any other manner by the granting of the application;
- (d) The times when and the quantities in which sand may be taken;
- (e) The tolls and charges to be paid for the taking of the sand;
- (f) The period during which the order is to remain in force. 2 Geo. V. c. 64, s. 7.

Township
by-law adopt-
ing order.

8. The council of the township may, by by-law, adopt the order and consent to be bound by its terms. 2 Geo. V. c. 64, s. 8.

Filing and
registering
order.

9. The order of the Board shall be in triplicate and shall be filed in the offices of the Board and of the clerk of the municipality, and, with the by-law, shall be registered in the registry office of the registry division in which the described area is situate. 2 Geo. V. c. 64, s. 9.

Finality of
order.

10. The order of the Board shall be final and shall not be subject to appeal, but at the expiration of the period named therein it may be renewed or a new order may be made upon the like application and subject to such terms and conditions as to compensation and tolls as the Board may deem just. 2 Geo. V. c. 64, s. 10.

Renewal.

Annual rate
to pay com-
pensation.

11. (1) The council of the township shall annually raise by general rate any amount ordered by the Board to be paid to any person whose land is passed over or used for the purpose of taking sand or gravel or is affected thereby.

Tolls.

(2) The tolls and charges ordered by the Board to be paid shall be collected by the corporation of the municipality and may be applied in reduction of such rate. 2 Geo. V. c. 64, s. 11.

Crown
property not
affected.

12. No order made under this Act shall apply to or affect the property of the Crown until assented to by the Lieutenant-Governor in Council. 2 Geo. V. c. 64, s. 12.

Exemption
of any locality
by Order in
Council.

13. This Act shall not apply to any municipality or portion of a municipality declared by the Lieutenant-Governor in Council to be exempted therefrom. 2 Geo. V. c. 64, s. 13.

CHAPTER 246.

An Act to impose a Tax on Dogs and for the Protection of Sheep.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Dog Tax and Sheep Protection Act*. 2 Geo. V. c. 65, s. 1. Short title.

2. In this Act:—

Interpretation.

(a) "Dog" shall include bitch;

"Dog."

(b) "Owner" shall include possessor or harbourer; and "owned" shall include possessed or harboured;

"Owner."
"Owned."

(c) "Sheep" shall include lamb. 2 Geo. V. c. 65, s. 2. "Sheep."

TAX ON DOGS.

3.—(1) Subject to the provisions of paragraph 2 of section 406 of *The Municipal Act*, and of subsection 3 of this section, there shall be levied annually, in every local municipality, upon the owner of each dog therein, an annual tax of \$1 for a dog, if only one, and \$2 for each additional dog, owned by him, and \$3 for a bitch, if only one, and \$5 for each additional bitch owned by him. Annual tax on dogs.

(2) Upon the production of a certificate in writing of a veterinary surgeon that a bitch has been spayed, such bitch shall be taxed at the same rate as a dog. Spayed bitches.

(3) The owner of a kennel of pure-bred dogs which are registered in the "Canada Kennel Register," may in any year pay to the treasurer of the municipality \$10 as a tax upon such kennel for that year, and upon the production to the assessor of the treasurer's certificate of payment, the owner of such kennel shall be exempt from assessment and any further tax in respect of such dogs for that year. 2 Geo. V. c. 65, s. 3. Registered kennel.

4. The assessors shall, at the time of making their annual assessment, enter on the assessment roll, in a column prepared for the purpose, opposite the name of every person assessed, and also opposite the name of every resident inhabitant not otherwise assessed, being the owner of any dog, the number of dogs, bitches and spayed bitches, distinguishing them, by him owned. 2 Geo. V. c. 65, s. 4. Duty of assessors.

Duty of
owners of
dogs.

5. The owner of any dog shall be required by the assessors to deliver to them, in writing, a statement of the number of dogs owned by him; and for any neglect or refusal to do so, and for every false statement made in respect thereof, he shall incur a penalty of \$5. 2 Geo. V. c. 65, s. 5.

Penalty.

Tax entered
on collector's
roll.

6. The collector's roll shall contain the name of every person entered on the assessment roll as the owner of any dog with the tax hereby imposed, in a separate column; and the collector shall proceed to collect the same, and at the same time and with the like authority, and make returns to the treasurer of the municipality, in the same manner, and subject to the same liabilities in all respects for paying over the same to the treasurer, as in the case of other taxes levied in the municipality. 2 Geo. V. c. 65, s. 6.

Destruction
of dog in
default of
payment.

7.—(1) Where any person has been assessed for a dog, and the collector has failed to collect the tax imposed by this Act, he shall report the same under oath to a Justice of the Peace, who shall, by an order under his hand and seal, to be served by any constable, require such dog to be destroyed by the owner thereof, or by a constable.

Powers of
constable.

(2) For the purpose of carrying out such order the constable may enter on the premises of such owner and destroy such dog.

Penalty.

(3) A collector who neglects to make such report within the time required for paying over the taxes levied in the municipality, shall incur a penalty of \$10. 2 Geo. V. c. 65, s. 7.

Tax to form
fund for
damages, etc.

8. The money collected and paid to the municipality under the preceding sections, shall constitute a fund for satisfying such damages as arise in any year from dogs killing or injuring sheep in the municipality, and the residue, if any, shall form part of the funds of the municipality for the general purposes thereof; but when it becomes necessary in any year for the purpose of paying charges on the same, the fund shall be supplemented to the extent of the amount which has been applied to the general purposes of the municipality. 2 Geo. V. c. 65, s. 8 (1).

PROTECTION OF SHEEP.

Killing dogs
worrying
sheep, etc.

9. Any person may kill any dog which he sees pursuing, worrying or wounding any sheep. 2 Geo. V. c. 65, s. 9.

Right to kill
dog in field
giving
trouble, etc.

10. The owner or occupant of a farm, or his servant, who finds a dog without lawful permission in an enclosed field on such farm giving trouble and terrifying any sheep on such farm may kill such dog. 2 Geo. V. c. 65, s. 10.

Right to kill
dog straying
on a farm
where sheep
kept.

11.—(1) Any person may kill any dog which he finds straying between sunset and sunrise on any farm whereon sheep are kept.

(2) No dog so straying which belongs to or is kept or harboured by the occupant of any premises next adjoining such farm or next adjoining that part of any highway or lane which abuts thereon, nor any dog so straying either when securely muzzled or when accompanied by or being within reasonable call or control of its owner or of any person having the charge or care thereof, shall be so killed unless there is reason to believe that such dog, if not killed, is likely to pursue, worry, wound or terrify sheep then on such farm. When dog straying not to be killed.
 2 Geo. V. c. 65, s. 11.

12.—(1) On complaint made in writing on oath before a Justice of the Peace, that any person is the owner of a dog which has within six months previous worried or injured or destroyed any sheep, the Justice may issue his summons, directed to such person, stating shortly the matter of the complaint, and requiring such person to appear before him, at a certain time and place therein stated, to answer such complaint, and be further dealt with according to law. Persons owning dogs addicted to worrying may be summoned before a Justice of the Peace.

(2) In case of conviction, the Justice may make an order for killing the dog, describing the same according to the description given in the complaint and in the evidence, within three days, and in default thereof may, in his discretion, impose a penalty upon such person, not exceeding \$20. On conviction dog to be ordered to be destroyed and owner fined.

(3) All penalties imposed under this section shall be applied to the use of the municipality in which the defendant resides. Application of penalties.
 2 Geo. V. c. 65, s. 12.

13. No conviction shall be a bar to any action by the owner or possessor of any sheep for the recovery of damages for the injury done to such sheep. Conviction no bar to action for damages.
 2 Geo. V. c. 65, s. 13.

EXTENT OF LIABILITY OF OWNER OR KEEPER OF DOGS.

14.—(1) The owner of any sheep killed or injured by any dog shall be entitled to recover damage occasioned thereby from the owner of such dog, by an action for damages or by summary proceedings before a Justice of the Peace, on information or complaint before such Justice, who is hereby authorized to hear and determine such complaint, and proceed thereon in the manner provided by *The Ontario Summary Convictions Act* in respect to proceedings therein mentioned. Extent of liability of owner or keeper of dog. Rev. Stat. c. 90.

(2) The aggrieved party may recover in such action or proceeding, whether or not the owner of such dog knew that it was vicious or accustomed to worry sheep. Owner's knowledge of habits immaterial.

(3) If it appears at the trial that the damage or some part thereof was the joint act of some other dog, and of a dog owned by the person charged, the Court, Judge or Justice may, by the judgment or conviction, apportion the damages Apportionment of damage.

among and against the respective owners of the dogs, as far as they are known, in such proportions as may be deemed just.

Where owner of one of the dogs doing damage is unknown.

(4) If it appears at the trial that the damage was occasioned by a dog, the owner of which is known, and a dog the owner of which is unknown, or has not been summoned to appear, the Court, Judge or Justice may determine and adjudge as to the proportion of the damage which, having regard to the evidence adduced as to the strength, ferocity and character of the various dogs shewn to have been engaged in committing such damage, was probably done by the dogs the owners of which have been summoned to appear, and shall determine in respect thereof and apportion the damage which the Court, Judge or Justice determines to have been probably done by the dogs whose owners or keepers have been summoned, amongst the various owners or keepers who have been so summoned.

Procedure.

(5) The like proceedings may thereafter be had against the owners of the dogs which so contributed to the damage. 2 Geo. V. c. 65, s. 14.

Dogs known to worry sheep to be killed by owner.

Penalty.

15. The owner of any dog, to whom notice is given of any injury done by his dog to any sheep, or of his dog having chased or worried any sheep, shall, within forty-eight hours after such notice, cause such dog to be killed; and for every neglect so to do he shall incur a penalty of \$2.50 for each dog, and a further penalty of \$1.25 for each dog for every forty-eight hours thereafter, until the dog is killed, if it is proved in the proceedings for the recovery of such penalties, that such dog has worried or otherwise injured such sheep, unless the owner proves that it was not in his power to kill the dog. 2 Geo. V. c. 65, s. 15.

Liability of the municipality where damages cannot be levied by distress.

16. When the owner of any sheep so killed or injured proceeds against the owner of the dog which committed the injury, before a Justice of the Peace, and is unable on the conviction of the offender, to levy the amount ordered to be paid, for want of sufficient distress, the council of the municipality in which the offender resided at the time of the injury shall order its treasurer to pay to the aggrieved party two-thirds of the amount ordered to be paid by the Justice by the conviction, in addition to the costs of the proceedings before the Justice and before the council. 2 Geo. V. c. 65, s. 16.

SHEEP VALUERS.

Sheep valuers—appointment and duties of.

17.—(1) The council of every township, town or village may at the first meeting in each year appoint one or more persons, to be known as sheep valuers, whose duty it shall be to inspect the injury done to sheep by dogs in cases where the owner of the dog or dogs committing the injury cannot

be found, and the person aggrieved intends to make claim for compensation from the council of the municipality.

(2) The sheep valuer shall investigate the injury within forty-eight hours after notice thereof is given to him and shall forthwith make his report in writing to the Clerk of the municipality, giving in detail the extent of injuries and amount of damage done, and the report shall be acted upon by the council in adjusting the claim. 2 Geo. V. c. 65, s. 17. Report on injuries.

COMPENSATION WHERE OWNER UNKNOWN.

18.—(1) The owner of any sheep killed or injured by any dog, the owner of which is not known, may within three months after the killing or injury apply to the council of the municipality in which such sheep was so killed or injured, for compensation for the injury; and if the council is satisfied that he has made diligent search and inquiry to ascertain the owner or keeper of such dog, and that he cannot be found, they shall award to the aggrieved party for compensation a sum not exceeding two-thirds of the amount of the damage sustained by him; and the treasurer of the municipality shall pay over to him the amount so awarded. Provision for cases in which owner of dog not known.

(2) The council may, before determining, examine parties and witnesses under oath, which may be administered by any member of the council. 2 Geo. V. c. 65, s. 18. Power to take evidence.

19. After the owner of a sheep has received any money from a municipal corporation under any of the preceding sections, his claim shall thenceforth belong to the municipal corporation, which may enforce the same against the offending party for its own benefit, by any means or form of proceeding that the owner was entitled to take for that purpose, but if the corporation recovers from the offender more than it paid to the owner, besides costs, it shall pay over the excess to the owner. 2 Geo. V. c. 65, s. 19. After compensation paid by municipality, claims to belong to it.

20. The owner of any sheep killed or injured while running at large upon any highway or unenclosed land, shall have no right to compensation from a municipal corporation. 2 Geo. V. c. 65, s. 20. Cases where owner of sheep, etc., has no compensation.

PROCEDURE.

21. Except as herein otherwise provided, *The Ontario Summary Convictions Act* shall apply to prosecutions under this Act. 2 Geo. V. c. 65, s. 21. Procedure. Rev. Stat. c. 90.

CHAPTER 247.

An Act respecting Pounds.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Pounds Act*. 2 Geo. V. c. 66, s. 1.

Scope of Act saves varied by by-laws.

2. Except so far as varied by any by-law passed under the authority of paragraphs 52 to 55 of section 399 of *The Municipality Act*, this Act shall be in force in every city, town, township, and village in Ontario. 2 Geo. V. c. 66, s. 2.

Liability of owners or caretakers for damage done.

3. The owner or occupant of any land shall be responsible for any damage caused by any animal under his charge and keeping, as though such animal were his own property, and the owner of any animal not permitted to run at large by the by-laws of the municipality shall be liable for any damage done by such animal, although the fence enclosing the premises of the complainant was not of the height required by such by-laws. 2 Geo. V. c. 66, s. 3.

Case of Provisional Judicial Districts.

4.—(1) Damages shall not be recoverable in respect of injuries committed upon any land in a Provisional Judicial District by horses, cattle, sheep or swine straying on such land unless the animal so straying was running at large contrary to a municipal by-law.

Unless animal broke through or jumped over fence.

(2) Where there is no such by-law in force in the municipality or where such trespass was committed upon land in any part of such district not included in an organized municipality, no such damages shall be recoverable unless the animal has broken through or jumped over a fence then being in reasonably good repair and of the height of four and one-half feet.

Exception as to breachy animals.

(3) This section shall not apply to breachy or unruly animals. 3-4 Geo. V. c. 18, s. 41, *part*.

No bull ten months old to run at large.

5. No bull over the age of ten months shall be allowed to run at large in any part of such district not included in an organized municipality. 3-4 Geo. V. c. 18, s. 41, *part*.

Owner of bull liable for damages.

6. The owner of any bull running at large contrary to the provisions of the next preceding section shall be liable in damages for all injuries committed by such animal, and

also to a penalty not exceeding \$10, recoverable under the provisions of *The Ontario Summary Convictions Act*. 3-4 Geo. V. c. 18, s. 41, *part*.

7. If not previously replevied, the pound-keeper shall impound any horse, bull, ox, cow, sheep, goat, pig, or other cattle, geese or other poultry, distrained for unlawfully running at large or for trespassing and doing damage, delivered to him for that purpose by any person resident within his division who has distrained the same; or if the owner of geese or other poultry refuses or neglects to prevent the same from trespassing on his neighbour's premises after a notice in writing has been served upon him of their trespass, he shall incur a penalty not exceeding \$10. 2 Geo. V. c. 66, s. 4.

What animals to be impounded.
Poultry.

8. Where any animal has been impounded, the pound-keeper shall, within twenty-four hours, deliver to the clerk of the municipality a notice in writing containing a description of the colour, age and natural and artificial marks of the animal as nearly as may be. 2 Geo. V. c. 66, s. 5.

Notice to clerk as to animals impounded.

9. When the common pound of the municipality or place wherein a distress has been made is not secure, the pound-keeper may confine the animal in any enclosed place within the limits of the pound-keeper's division within which the distress was made. 2 Geo. V. c. 66, s. 6.

When the common pound is not safe.

10.—(1) The person distraining and impounding the animal shall, at the time of the impounding, deposit poundage fees, if demanded, and within twenty-four hours thereafter deliver to the pound-keeper duplicate statements in writing of his demands against the owner for damages, if any, not exceeding \$20, done by such animal, exclusive of poundage fees, and shall also give his written agreement, with a surety if required by the pound-keeper, in the form following, or in words to the same effect:

Statement of demand to be delivered to pound-keeper by impounder.

"I (or we, as the case may be) do hereby agree that I (or we) will pay to the owner of the (*describing the animal*) by me (*A.B.*) this day impounded, all costs to which the said owner may be put in case the distress by me the said (*A.B.*) proves to be illegal, or in case the claim for damages now put in by me the said (*A.B.*) fails to be established."

Form of agreement with pound-keeper.

(2) The owner of an animal impounded shall at any time be entitled to it, on demand made therefor, without payment of any poundage fees, on giving satisfactory security to the pound-keeper for all costs, damages and poundage fees that may be established against him. 2 Geo. V. c. 66, s. 7.

Release of animal on security being furnished.

11.—(1) If the animal distrained is a horse, bull, ox, cow, sheep, goat, pig or other cattle, and if the same is distrained by a resident of the municipality for straying within his premises, instead of delivering the animal to the pound-keeper, he may retain the animal in his own possession, pro-

When animal may be retained by distrainer.

vided he makes no claim for damages done by the animal, and duly gives the notices hereinafter required.

owner to
claim it
again.

(2) If the owner is known he shall forthwith give to him notice in writing of having distrained the animal.

If unknown,
notice to
clerk of
municipality

(3) If the owner is unknown, the person distraining shall, within forty-eight hours, deliver to the clerk of the municipality a notice in writing of having distrained the animal, containing a description of its colour, age and natural and artificial marks, as nearly as may be.

Duty of
clerk
thereon

(4) The clerk on receiving the notice, shall forthwith enter a copy thereof in a book to be kept by him for that purpose, and shall post it or a copy thereof, in some conspicuous place on or near the door of his office, and keep the same so posted for at least one week, unless the animal is sooner claimed by the owner.

If the value
of the animal
is more than
\$10 or more.

(5) If the animal or animals distrained at the same time is or are of the value of \$10 or more, the distrainer shall cause a copy of the notice to be published in a newspaper in the county or district once a week for three successive weeks. 2 Geo. V. c. 66, s. 8.

Notice of
sale.

When sale
may be
made.

(1) If an animal is impounded, notices for the sale thereof shall be given by the pound-keeper or person who impounded it within forty-eight hours afterwards, but no pig or poultry shall be sold until after four clear days, nor any horse or other cattle till after eight clear days from the time of impounding the same. 2 Geo. V. c. 66, s. 9.

If animal
is not
impounded
but retained.

13. If the animal is not impounded, but is retained in the possession of the person distraining it, if the animal is a pig, goat or sheep, the notices for the sale thereof shall not be given for one month, and if the animal is a horse or other cattle, the notices shall not be given for two months after the animal is distrained. 2 Geo. V. c. 66, s. 10.

Notice of
sale unless
reclaimed

14. The notices of sale shall be posted up for three clear successive days, in three public places in the municipality, and shall specify the time and place at which the animal will be publicly sold, if not sooner replevied or redeemed by the owner or some one on his behalf, paying the penalty imposed by law, if any, the amount of the injury, if any, claimed or decided to have been committed by the animal to the property of the person who distrained it, together with the lawful fees and charges of the pound-keeper and also of the fence-viewers, if any, and the expenses of the animal's keeping. 2 Geo. V. c. 66, s. 11.

Keeper or
person in
charge of
pound
to feed im-
pounded
cattle.

15. Every pound-keeper, and every person who impounds or confines, or causes to be impounded or confined, any animal in any common pound or in any open or close pound, or in any enclosed place, shall daily furnish the animal with good

and sufficient food, water and shelter, during the whole time that such animal continues impounded or confined. 2 Geo. V. c. 66, s. 12.

16.—(1) Every such person who furnishes the animal with food, water and shelter, may recover the value thereof from the owner of the animal, and also a reasonable allowance for his time, trouble and attendance in the premises. And may recover the value.

(2) Such value and allowance may be recovered, with costs, by summary proceeding before any Justice of the Peace within whose jurisdiction the animal was impounded, in like manner as fines, penalties or forfeitures for the breach of any by-law of the municipality may by law be recovered and enforced by a single Justice of the Peace; and the Justice shall ascertain and determine the amount of such value and allowance when not otherwise fixed by law, adhering, so far as applicable, to the tariff of pound-keepers' fees and charges established by the by-laws of the municipality. 2 Geo. V. c. 66, s. 13. In what manner such value may be recovered.

17. The pound-keeper, or person so entitled to proceed may, instead of such summary proceeding, enforce the remuneration to which he is entitled in manner hereinafter mentioned. 2 Geo. V. c. 66, s. 14. Other mode of enforcing.

18. If it is proved by an affidavit sworn before a Justice of the Peace, that the proper notices had been duly posted and published, then if the owner or some one for him does not before the sale of the animal, replevy or redeem the same, the pound-keeper who impounded the animal, or if the person who distrained it did not deliver it to a pound-keeper, but retained it in his own possession, then any pound-keeper of the municipality may publicly sell the animal to the highest bidder, at the time and place mentioned in the notices, and after deducting the penalty and the damages, if any, and the fees and charges, shall apply the proceeds in discharge of the value of the food and nourishment, loss of time, trouble and attendance so supplied, and of the expenses of driving or conveying and impounding or confining the animal, and of the sale and attending the same, or incidental thereto, and of the damage when legally claimable, not exceeding \$20, done by the animal to the property of the person by whom or at whose instance it was distrained, and shall return the surplus, if any, to the original owner of the animal, or if not claimed by him within three months after the sale, the pound-keeper shall pay such surplus to the treasurer of the municipality. 2 Geo. V. c. 66, s. 15. Sale, how effected, etc., and purchase money, how applied.

19.—(1) If the owner, within forty-eight hours after the delivery of the statements provided for in section 10, disputes the amount of damages so claimed, the amount shall be decided by the majority of three fence-viewers of the municipality, one to be named by the owner of the animal, one by the per- Disputes regarding demand for damages, how determined.

son distraining or claiming damages, and the third by the pound-keeper.

Fence-viewers to view and appraise damage.

(2) The fence-viewers or any two of them shall, within twenty-four hours after notice of their appointment, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the statutes or by-laws in that behalf at the time of the trespass; and if it was a lawful fence, or if the animal was one not permitted to run at large by the by-laws of the municipality, they shall appraise the damages committed, and, within twenty-four hours after having made the view, shall deliver to the pound-keeper a written statement signed by at least two of them of their appraisal and of their lawful fees and charges.

Proceedings where fence-viewers decide against the sufficiency of a fence.

(3) If in the case of an animal permitted to run at large, the fence-viewers decide that the fence was not a lawful one, they shall certify the same in writing under their hands, together with a statement of their lawful fees to the pound-keeper, who shall, upon payment of all lawful fees and charges, deliver such animal to the owner if claimed before the sale thereof; but if not claimed, or if such fees and charges are not paid, the pound-keeper, after due notice, as required by this Act, shall sell the animal in the manner before mentioned at the time and place appointed in the notices. 2 Geo. V. c. 66, s. 16.

Penalty for pound-keeper refusing to feed animal impounded.

20. If a pound-keeper or person who impounds, or confines, or causes to be impounded, or confined any animal, refuses or neglects to provide and supply the animal with good and sufficient food, water and shelter, he shall, for every day during which he is so in default, incur a penalty of not less than \$1 nor more than \$4. 2 Geo. V. c. 66, s. 17.

Penalty for neglect of duty by fence-viewers.

21. Any fence-viewer neglecting his duty under this Act shall incur a penalty of \$2. 2 Geo. V. c. 66, s. 18.

Statement to be filed with clerk by pound-keeper or distrainer.

22. Every pound-keeper shall and every person who, under the provisions of section 11, distrains any animal shall, on or before the 15th day of January in every year, file with the clerk of the municipality a statement for the year ending on the 31st day of December next preceding showing:—

1. The number of animals impounded or distrained, as the case may be;
2. The number of animals sold and the amounts received;
3. The sum received as poundage fees and cost of keep by the pound-keeper or party distraining;
4. The damages paid by any party;
5. All disbursements and to whom paid;

6. Any other receipts and expenditures in connection therewith. 2 Geo. V. c. 66, s. 19.

23. The statement shall be certified to by the pound-keeper or the person distraining as a true and accurate statement for the year ending on the 31st day of December next preceding. 2 Geo. V. c. 66, s. 20. Certifying statement.

24. Any pound-keeper or other person required to file such return, neglecting or refusing to file the same on or before the 15th day of January in any year, shall incur a penalty not exceeding \$10. 2 Geo. V. c. 66, s. 21. Penalty for neglect to comply with Act.

25.—(1) The penalties provided by this Act shall be recoverable under *The Ontario Summary Convictions Act*. Penalties, how recoverable.

(2) One-half of every penalty recovered under this Act shall be paid to the treasurer of the local municipality in which the offence was committed, and one-half to the private prosecutor; but where the information is laid by an officer of the municipality, the whole of the penalty shall be payable to the treasurer. 2 Geo. V. c. 66, s. 22. How to be applied.

CHAPTER 248.

An Act respecting the Destruction by Constables and others of Injured Animals.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Injured Animals Act*.
1 Geo. V. c. 75, s. 1.

Duty of
police con-
stable or In-
spector
when horse
is found
severely
injured.

2. Where a police constable, or the inspector of an incorporated humane society or society for the prevention of cruelty to animals, finds any horse so severely injured that it would, in his opinion, be cruel to allow the horse to live, he shall, if the owner refuses to consent to the destruction of the animal, or is absent, at once summon a veterinary surgeon, if any such surgeon resides or can be found within a reasonable distance, or, if no such surgeon can be obtained, then two reputable citizens, and if it appears by the certificate of such surgeon or by a statement signed by such two citizens that the animal is, or appears to be, incapable of being so cured or healed as to live thereafter without suffering, it shall be lawful for such police constable or inspector, without the consent of the owner, to kill or cause to be killed such animal with such instrument or instruments or appliances, and with such precautions and in such a manner as to inflict as little pain and suffering as possible. 1 Geo. V. c. 75, s. 2.

Imp. Acts,
57-58 Vict.,
ch. 72.

Where horse
is abandoned.

3. If any horse is abandoned, or left to die in any street, road, commons or public place, it shall be the duty of any police constable or inspector, as mentioned in section 2, to make a reasonable attempt to ascertain the owner of such animal, and, if such owner cannot be found, or, if found, refuses to give his consent to the killing of such horse, the said constable or inspector shall proceed in the manner set forth in section 2. 1 Geo. V. c. 75, s. 3.

Animals
injured by
railway
trains.

4. Where any large animal, such as a horse, cow, sheep or hog, is severely injured by any railway engine or train, the conductor of the train shall report the occurrence to the nearest station agent of the railway, who shall forthwith notify the owner if possible and the nearest constable, who shall proceed as provided by section 2. 1 Geo. V. c. 75, s. 4.

CHAPTER 249.

An Act respecting the Enrolment and Inspection of Stallions.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Stallion Act*. Short title.
2 Geo. V. c. 67, s. 1.

2. For the purpose of this Act,—

(1) The Lieutenant-Governor in Council upon the recommendation of the Minister of Agriculture shall appoint four persons who, with the Director of the Live Stock Branch of the Department of Agriculture, shall constitute The Stallion Enrolment Board, hereinafter called "The Board."

Board of enrolment.

How composed.

(2) The Director of the Live Stock Branch of the Department of Agriculture shall be the Secretary and Executive Officer of the Board. 2 Geo. V. c. 67, s. 2.

Director of Live Stock Branch to be Secretary.

3. The Minister of Agriculture may from time to time appoint competent persons to act as inspectors under the direction of the Board and every inspection shall be made by a committee hereinafter called "The Committee," consisting of three such persons. 2 Geo. V. c. 67, s. 3.

Inspectors.

4. The appointed members of the Board and the members of the Committees shall receive such per diem remuneration and allowance for necessary travelling expenses as may be fixed by the Lieutenant-Governor in Council out of money voted by the Assembly. 2 Geo. V. c. 67, s. 4.

Remuneration of Board and Committees.

5.—(1) No person shall stand, travel or offer for use any stallion unless and until the name, description and pedigree of such stallion has been enrolled and a certificate of such enrolment procured as hereinafter provided.

Stallions not to be travelled until enrolled.

(2) For the purposes of enrolment the owner of every stallion shall submit to the Board all evidence of the breeding and ownership of such stallion, and upon receipt of same and payment of the fee, the Board shall issue a certificate accordingly.

Evidence for enrolment.

Certificate.

(3) All certificates of enrolment shall be renewed annually in accordance with the regulations and upon the payment of the fee hereinafter provided.

Renewal of certificates.

Inspection
by desire
of owner.

(4) In addition, if desired by the owner, any stallion may be inspected as herein provided, in which case the report of such inspection shall form a part of the record of enrolment. 2 Geo. V. c. 67, s. 5.

Register of
enrolment.

6.—(1) The Board shall keep a register for the enrolment of stallions, which register shall be kept in such form and shall contain such particulars as may be prescribed by the regulations, and the certificate issued shall be in accordance therewith.

Transfer of
ownership.

(2) Every stallion shall be enrolled in the name of the owner at the time of the enrolment, and in case of a change of ownership the enrolment shall be deemed to be cancelled unless within thirty days thereafter evidence of the change of ownership satisfactory to the Board has been furnished to the Board, in which case a transfer certificate shall be issued by the Board.

Duration of
enrolment
and
certificate.

(3) When a stallion has been enrolled after the first day of August in any year, the enrolment and certificate of enrolment of the stallion shall remain in force until the 31st day of December in the next succeeding year, and when the enrolment has been made before the first day of August in any year the enrolment and certificate thereof shall remain in force until the 31st day of December next following.

Only one
inspection
after stal-
lion is eight
years old.

(4) When a stallion has reached the age of eight years, the first inspection thereafter shall be the final inspection and the enrolment made on the report of such final inspection shall continue to form part of the enrolment and a certificate shall be granted in accordance therewith on each subsequent renewal of such enrolment.

Biennial
inspection
in other
cases.

(5) In the case of any other stallion, the report of the Committee shall form a part of the record of the enrolment for two years only, except as provided in subsection 3, after which the stallion shall be submitted for re-inspection if the owner desires an extension of such certificate. 2 Geo. V. c. 67, s. 6.

Inspection,
notice of.

7. The Board shall fix the times and places at which stallions may be inspected by the Committee, and shall give notice thereof in such manner as may be prescribed by the regulations. 2 Geo. V. c. 67, s. 7.

Proceed-
ings on
inspection.

8. A person desiring to procure the inspection of a stallion shall present the stallion for inspection and examination by the Committee, together with such evidence relating to the breeding and ownership of the stallion as may be required by the regulations. 2 Geo. V. c. 67, s. 8.

Report on
inspection.

9. The Committee shall inspect the stallion and examine the other evidence submitted and report thereon in writing to the Board. 2 Geo. V. c. 67, s. 9.

10.—(1) The report of a majority of the Committee shall be a report of the Committee, but in case the report is not unanimous, and not otherwise, the owner of the stallion may apply to the Board for another inspection and examination, and upon the owner depositing with the Board an amount sufficient in the opinion of the Board to cover the expenses of a further inspection and examination, the Board shall direct another inspection by another Committee, and their decision or the decision of a majority of them shall be final. Right to re-inspection.

(2) In case the appeal is not sustained, the further inspection and examination shall be payable out of the amount of the deposit, and if the appeal is allowed the amount of the deposit shall be returned to the owner. 2 Geo. V. c. 67, s. 10. Costs of re-inspection.

11. The Board upon consideration of the report of the Committee and after the inspection of the papers supplied relating to the breeding and ownership of the stallion, and upon payment of the fee fixed by this Act, shall make such enrolment of the name, description and pedigree of the stallion in the register herein provided for as may be deemed warranted and shall issue a certificate in accordance with such enrolment to the owner of the stallion. 2 Geo. V. c. 67, s. 11. Enrolment, mode of.

12.—(1) The certificate of enrolment of any stallion shall form a prominent part of any newspaper or other printed advertisement issued to advertise such stallion. Certificate, publication of.

(2) Every poster issued shall contain a copy of the certificate of enrolment printed in bold face and conspicuous type and shall not contain any illustrations, pedigree or other matter which is untruthful or misleading. Posters, contents of.

(3) Where no posters are used to advertise a stallion, the owner of the stallion shall exhibit to the owner of each mare at the time of service, if demanded, the original enrolment certificate issued for such stallion. 2 Geo. V. c. 67, s. 12. Owner to exhibit certificate to owner of mare.

13.—(1) The fees to be paid to the Board before the issue of any certificate shall be Fees.

For enrolment	\$2.00
For inspection	5.00
For renewal of enrolment	1.00
For transfer certificate	1.00

(2) The fees received by the Board under this Act shall be paid over the Treasurer of Ontario for the use of the Province. 2 Geo. V. c. 67, s. 13. Application of.

14. The Board, subject to the approval of the Lieutenant-Governor in Council, may make such regulations as may be deemed proper and necessary for the better carrying out of the provisions of this Act. 2 Geo. V. c. 67, s. 14. Regulations.

Penalty.

15. Every person who is guilty of a contravention of any of the provisions of this Act shall incur a penalty of not less than \$25 nor more than \$100, recoverable under *The Ontario Summary Convictions Act*. 2 Geo. V. c. 67, s. 15.

Act not to
apply to
districts
or to Hal-
burton.

16. This Act shall not apply to the Provisional Judicial Districts nor to the Provisional County of Haliburton. 2 Geo. V. c. 67, s. 16.

CHAPTER 250.

An Act to prevent the Wasting of Natural Gas and to provide for the Plugging of all Abandoned Wells.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Natural Gas and Oil Wells* Short title.
Act. *New.*

2. Any person in possession, whether as owner, lessee, Duty to prevent natural gas escaping from unused wells. agent or manager, of any well in which natural gas has been found shall, unless such gas is utilized within two weeks from the completion of such well, in order to prevent such gas from wasting by escape, confine the same in such well until such time as the gas is utilized; but this section shall not apply to any well while it is being operated as an oil well.
7 Edw. VII. c. 47, s. 1.

3. Whenever the owner or any person in possession of or Powers of inspector. having the control of any well in which gas has been found fails to comply with the provisions of section 2 hereof within the time therein mentioned the inspector appointed, as hereinafter provided, shall notify such person in writing to cause such gas to be so confined; and in case of the failure of such person to comply with such notice within ten days from the receipt thereof the inspector shall enter upon the land upon which such well is situate and, either by himself, his agents or employees, shall cause such gas to be shut in and confined in such well. 7 Edw. VII. c. 47, s. 2.

4.—(1) Whenever any well which has been drilled for the Plugging abandoned wells. purpose of exploring for oil or gas is afterwards abandoned it shall be the duty of the owner or the person in possession or control of such well, and of every person engaged or employed in removing the casing from or in plugging such well, or in any work constituting an abandonment of such well, to plug or plug and cement such well in such manner as to prevent any fresh or salt water or other injurious substances from entering the oil or gas bearing rock either from above or below such rock. 7 Edw. VII. c. 47, s. 3.

(2) Subject to section 2, every well which, in the opinion When wells deemed to be abandoned. of the inspector appointed under section 9, is not in operation

shall be deemed to be an abandoned well within the meaning of this Act.

Appeal
from de-
cision of
Inspector.
Rev. Stat.
c. 26.

(3) The owner or person in possession or control of any well may, within ten days after receiving notice from the inspector that in his opinion the well is abandoned, appeal to the mine assessor appointed under *The Mining Tax Act*.

Notice of
appeal.

(4) The owner or other person appealing shall give to the inspector notice in writing of the appeal.

Decision of
Mine
Assessor.

(5) The decision of the mine assessor shall be final and shall not be subject to appeal. 3-4 Geo. V. c. 66, s. 1.

Plug to be
inserted
in well.

5. In every such case of abandonment, in addition to any other work necessary to the proper plugging of such well in compliance with the provisions of the next preceding section or of any regulations made by an inspector in the manner hereinafter provided, there shall be inserted in such well a round and slightly tapering plug of seasoned wood, not less than three feet in length and of such diameter as to enable it to be firmly driven and to fit tightly at the point where the casing used for the purposes of shutting off water from such well was made to rest. 7 Edw. VII. c. 47, s. 4.

Inspector
upon com-
plaint to
examine
abandoned
well and
plug same.

6. - (1) Whenever any person notifies the inspector in writing that any property in which he is interested, situate in the vicinity of any such abandoned well, is injuriously affected by the failure to plug any such well, as in the next preceding section provided, the inspector shall examine such abandoned well and ascertain whether it has been properly plugged according to the provisions of this Act; and in case the inspector determines that such well has not been properly plugged within the meaning of this Act he shall serve a notice on the owner thereof or upon any person having the control thereof, or upon any person who was engaged or employed in the work of removing the casing from or in plugging such well, or in any work which constituted an abandonment of such well, or may serve such notice on all of such persons, which notice shall require such well to be plugged within ten days from the receipt of the notice and shall specify the method and manner to be followed in the plugging thereof; and unless within the ten days such well is plugged according to the directions contained in the notice the inspector either by himself, his agents or employees shall plug or cause such well to be plugged properly according to the provisions of this Act. 7, Edw. VII. c. 47, s. 5.

Stopping
leak in
well.

(2) Where the inspector is of opinion that the casing in any well, whether the well is abandoned or not, is admitting water to such an extent as to injure adjoining property, he may order the owner or person in possession or control to remove the pump or other obstruction therein, if any, so as

to enable him to test the well, and the inspector may order the owner or other person to stop the leak if there be one within the time named by the inspector.

(3) In case of default in compliance with such order within ten days after service of the same the inspector may without further notice proceed to plug the well as provided in subsection 1. Proceeding of Inspector.

(4) The expenses occasioned by or incidental to such examination and plugging may be recovered in the manner provided by section 7. Recovery of expenses.

(5) The owner or person in possession or control of the well may, before the expiry of the time fixed by the inspector, appeal from the order to the mine assessor as provided in subsection 3 of section 4, and the decision of the mine assessor shall be final and shall not be subject to appeal. 3-4 Geo. V. c. 66, s. 2. Appeal from Inspector to Mine Assessor.

7. The expenses incidental to or occasioned by the examination and plugging of any abandoned well, or by the confining or shutting in of the gas from any well by the inspector under the provisions of this Act, shall be paid to the inspector within ten days after notice in writing of the completion of the work and the amount of such expenses has been given to the owner or other person having control of any such well; and upon failure to pay the same within such time the inspector shall give written notice of such failure to pay to the clerk of the municipality in which such well is situate and of the amount payable, and the council of such municipality shall thereupon pay to the inspector such expenses and the same shall be added to the taxes upon any property of the owner of such well, whether such well is situate upon such property or not, unless the mineral rights in the land upon which such well is situate have been severed or reserved from such land, in which case such expenses shall be added to any taxes chargeable against the reserved mineral rights in the land upon which such well is situate or against any other property of the owner of such reserved mineral rights, and such expenses shall be placed upon the collector's roll of the municipality and may be levied and collected in the same manner as other taxes are levied and collected. 7 Edw. VII. c. 47, s. 6. How expenses to be recovered by Inspector.

8. Any person found guilty of a violation of sections 2, 4, 5 or 12 shall incur a penalty of not less than \$10 or more than \$100, in addition to any costs and expenses which he may be liable to pay under the provisions of section 7; but this section shall not affect any right of action for damages for injuries arising out of any matter or thing for which this section provides a penalty. 7 Edw. VII. c. 47, s. 7. Penalty for violation of this Act. Liability not affected.

9.--(1) An inspector or inspectors may be appointed by the Lieutenant-Governor in Council from time to time to enforce the provisions of this Act, and assigned to such district or districts as he may deem proper.

Appointment
of inspectors.

(2) Each inspector shall give such security as the Minister of Lands, Forests and Mines shall require for the performance of his duties and the payment over of all money received by him. 7 Edw. VII. c. 47, s. 8.

Duties of
Inspectors.

10.--(1) It shall be the duty of every such inspector to see that the provisions of this Act are complied with, to keep a record of all work done, notices given, proceedings taken and money received or paid out by him under the provisions of this Act.

Powers.

(2) The inspector shall have authority to engage such agents or employees as he may deem necessary from time to time to carry out the requirements of this Act, and shall also be empowered from time to time and at all times by himself, his servants or employees to enter upon any land or property upon which any wells are being or have been drilled and to make such examinations, inspection and inquiries as may be necessary for carrying into effect the provisions of this Act.

No action
against
inspector.

(3) No action or other proceeding shall lie against any such inspector, his agents or employees for any matter or thing done by him or them under the provisions of this Act. 7 Edw. VII. c. 47, s. 9.

Regulations
with consent
of Minister.

11.--(1) Whenever in the opinion of the inspector the conditions of any locality make it desirable he may, subject to the sanction of the Minister of Lands, Forests and Mines, make special regulations respecting the manner of plugging abandoned wells in such locality in addition to or in substitution for the method directed to be followed in this Act.

Scope of
regulations.

(2) Such regulations may be made to apply to the whole or any portion of the district to which such inspector is assigned, and may be promulgated in such manner as the Minister shall direct, but shall not go into effect until after the lapse of six weeks from the first publication thereof. 7 Edw. VII. c. 47, s. 10.

Declaration
to be made by
certain per-
sons respect-
ing such
wells.

12.--(1) The inspector may by notice in writing delivered to any person who had charge or control of the removal of casing or plugging or abandonment of any well, or who was engaged or employed in removing the casing from or in plugging any such well or in any work constituting an abandonment of such well, require such person within ten days from the receipt of such notice to furnish a statutory declaration respecting such abandoned well to the inspector.

Delivery of
declaration.

(2) Such person shall within the ten days furnish such declaration to the inspector either by delivering the same

into his hands or by mailing by registered post to his address; and the declaration shall identify such well and shall set out in detail the precise manner of and the material and tools used in plugging the same.

(3) Any person violating the provisions of this section without sufficient cause or excuse shall incur the penalty provided by section 8. 7 Edw. VII. c. 47, s. 11. Penalty for default.

13. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*. Recovery of penalties.
Rev. Stat. c. 90.

CHAPTER 251.

An Act respecting Steam Threshing Engines.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as *The Steam Threshing Engines Act*.

Engines to be furnished with spark arresters. 2. Every manufacturer of steam threshing engines shall provide each engine with an efficient spark arrester before selling or disposing of the same; and no person shall use or run any steam threshing engine unless it is provided with such spark arrester; and every owner or other person using or running the engine, shall keep the spark arrester at all times when the engine is in use in proper working order. R.S.O. 1897, c. 278, s. 1.

Penalty. 3.—(1) Every manufacturer who sells or disposes of a steam threshing engine without an efficient spark arrester shall incur a penalty of not more than \$20 or less than \$5.

(2) Every person using or running a steam threshing engine not provided with such spark arrester, or wilfully using or running a steam threshing engine not having the spark arrester in proper working order, shall incur a penalty of not more than \$20 or less than \$5, for every day he so uses such steam threshing engine. R.S.O. 1897, c. 278, s. 2. *Amended.*

Rev. Stat. c. 90. 4 All penalties imposed by this Act shall be recoverable under the provisions of *The Ontario Summary Convictions Act*.

Application of penalty. 5. One-half the fine when recovered shall belong to the informer and the other half to the treasurer of the municipality where the offence is tried. R.S.O. 1897, c. 278, s. 3.

CHAPTER 252.

An Act respecting Steam Boilers.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Steam Boiler Act*. Short title.
3-4 Geo. V. c. 61, s. 1.

2. In this Act and in the Regulations

Interpre-
tation.

(a) "Inspector" shall mean an Inspector appointed by the Lieutenant-Governor in Council under and for the purposes mentioned in this Act; "Inspector."

(b) "Minister" shall mean the Minister of Public Works; "Minister."

(c) "Regulations" shall mean regulations made under the authority of this Act by the Lieutenant-Governor in Council; "Regulations."

(d) "Steam Boiler" shall mean and include a boiler used for generating steam for heating or power purposes, and every part thereof or thing connected therewith, and apparatus and things attached to or used in connection with any such boiler, but not "Steam boiler."

i. a boiler in a private residence, apartment house, office building, church, hotel, or public building used exclusively for heating purposes, and provided with a device approved by the Minister, limiting the pressure carried to fifteen pounds to the square inch, nor

ii. a portable boiler, rated at 25 horse-power or under, or a boiler used exclusively for horticultural or agricultural purposes. 3-4 Geo. V. c. 61, s. 2.

3. Upon the recommendation of the Minister of Public Works the Lieutenant-Governor in Council may make Regulations Power to make regulations as to construction, etc., of steam boilers.

(a) respecting the construction of steam boilers;

(b) prescribing specifications for the construction of steam boilers, including the material to be used,

the method and order of construction, the tests to be applied during and after construction;

(c) for the inspection of every steam boiler during its construction and before it is removed from the place of construction; and

(d) generally respecting such other matter as may be deemed proper to secure a uniform standard of strength, safety and efficiency in the construction of steam boilers. 3-4 Geo. V. c. 61, s. 3.

When to
come into
effect.

4. The Regulations shall be published in the *Ontario Gazette* and shall come into force and take effect at a date to be named by Proclamation. 3-4 Geo. V. c. 61, s. 4.

Note Regulations in pursuance of the Act, 10 Edw. VII. c. 28, s. 4, were proclaimed on 29th January, 1913, to come into force on 1st July, 1913.

Appoint-
ment of In-
spectors.

5.—(1) The Lieutenant-Governor in Council may appoint inspectors of steam boilers for the purposes of this Act and for the enforcement of the Regulations, and may designate one of them to be Chief Boiler Inspector.

Employment
of boiler
inspection
company.

(2) The Minister may employ any boiler insurance company registered in the Department of Insurance, or any Inspection Company engaged in the inspection of steam boilers, to make any inspection of steam boilers during their construction, required by the Regulations, and the company making such inspection shall report upon the same within fourteen days thereafter to the Chief Boiler Inspector. 3-4 Geo. V. c. 61, s. 5.

Inspectors
not to be
agents for
boilers or
machinery.

6. No person shall be appointed or shall hold office as Inspector who is directly or indirectly interested in the manufacture or sale of steam boilers or steam machinery. 3-4 Geo. V. c. 61, s. 6.

Oath of
office to be
taken.

7. Every Inspector appointed under the provisions of this Act shall, before entering upon the performance of his duties, take and subscribe an oath that he will faithfully and impartially perform the duties of his office. 3-4 Geo. V. c. 61, s. 7.

Power to
enter
premises.

8. For the purpose of seeing that the provisions of this Act, and of the Regulations are complied with, an Inspector may at any reasonable hour enter upon any land or into any building where any steam boiler is under construction, alteration or repair. 3-4 Geo. V. c. 61, s. 8.

Obstructing
inspectors.

9. Any person interfering with or obstructing any Inspector in the performance of his duties under this Act shall incur a penalty not exceeding \$50. 3-4 Geo. V. c. 61, s. 9.

10.—(1) An Inspector may by notice in writing require the attendance before him, at a time and place named in the notice, of any person, and may examine such person either alone or in the presence of any other persons as he may think fit as to any matter connected with the construction, alteration or repair of a steam boiler or its removal from any place in which it has been constructed, altered or repaired.

Power for
Inspector
to summon
witnesses.

(2) For the purposes of subsection 1 the Inspector may administer an oath to any person to be examined by him.

To adminis-
ter oath.

(3) Every person who wilfully neglects or refuses to attend before the Inspector after receiving notice so to do, or refuses to be sworn or to give evidence before the Inspector, or to answer any question put to him by the Inspector touching the matters mentioned in subsection 1, shall incur a penalty of \$25. 3-4 Geo. V. c. 61, s. 10.

Penalty for
neglect to
attend.

11.—(1) Upon completion of his inspection the Inspector shall issue to the owner or manufacturer of the boiler an inspection certificate; and the owner or manufacturer shall pay the Inspector a fee of \$5 for such inspection and the issue of such certificate.

Inspection
certificate.

Fee.

(2) Any owner or manufacturer neglecting or refusing to pay the Inspector such fee shall incur a penalty not exceeding \$20. 3-4 Geo. V. c. 61, s. 11.

Penalty for
refusal to
pay fee.

12.—(1) Any person who is dissatisfied with the action of an Inspector or with a certificate of inspection issued by him may within one week after the inspection appeal to the Minister, who may thereupon cause another inspection to be made by one or more competent inspectors, who shall report to him, and the decision of the Minister shall be final.

Appeal to
the Minister.

(2) Any expenses occasioned by the appeal and second inspection shall be paid as determined by the Minister. 3-4 Geo. V. c. 61, s. 12.

Expenses,
how paid.

13. All fees paid and all penalties recovered under this Act or the Regulations shall be paid to the Treasurer of Ontario. 3-4 Geo. V. c. 61, s. 13.

Application
of fees and
penalties.

14. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*. 3-4 Geo. V. c. 61, s. 14.

Recovery of
penalties.
Rev. Stat. c. 90.

15. This Act shall not apply to

Exceptions
to Act.

(a) a new boiler in the possession of the manufacturer or of a dealer in steam boilers on the 1st day of July, 1913, or to a boiler under construction on that date; or to

(b) a second hand boiler in the possession of the manufacturer or of a dealer in steam boilers on that date, unless the same is re-built or extensively altered after that date. 3-4 Geo. V. c. 61, s. 15.

CHAPTER 253

An Act to prevent the Spread of Noxious Weeds.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Noxious Weeds Act*. Short title.
2 Geo. V. c. 68, s. 1.

2. In this Act,

Interpretation.

(a) "Non-resident land" shall mean land which is unoccupied and the owner of which is not resident within the municipality. "Non-resident land."

(b) "Resident land" shall mean land which is occupied or which is owned by a person resident within the municipality. "Resident land."
2 Geo. V. c. 68, s. 2.

3. Every occupant of land or, if the land is unoccupied, the owner shall cut down or destroy all the Canada thistles, ox-eye daisy, wild oats, rag-weed and burdock growing thereon, and all other noxious weeds growing thereon to which this Act may be extended by by-law as hereinafter provided, so often in every year as is sufficient to prevent the ripening of their seed, if such cutting or destruction does not involve the destruction of the growing grain. Duty of owners and occupants as to destruction of weeds, etc.
2 Geo. V. c. 68, s. 3.

4.—(1) The council of any township in which there are any large tracts or blocks of waste or unoccupied land may upon the petition of not less than thirty ratepayers, by by-law, suspend the operation of this Act in respect of such waste or unoccupied lands. Exemption of waste or unoccupied lands.

(2) The by-law shall define the tracts or blocks of land so exempted and shall remain in force until repealed; and while it remains in force the land therein described shall be exempt from the operation of this Act. 2 Geo. V. c. 68, s. 4.

5. The council of any local municipality may by by-law extend the operation of this Act to any other description of weed, or to any diseased growing crops, which are by the by-law declared to be noxious to husbandry or gardening, and in that case the provisions of this Act shall apply to such noxious weeds and diseased growing crops as if the same were enumerated in section 3. Operation of Act may be extended.
2 Geo. V. c. 68, s. 5.

Appointment
of inspector.

5.—(1) The council of any local municipality may, and upon a petition of fifty or more ratepayers shall, appoint at least one inspector to enforce the provisions of this Act in the municipality, and fix the amount of remuneration, fees or charges he is to receive for the performance of his duties; and if a vacancy occurs in the office, the council shall fill the same forthwith.

Division of
municipalities
into sections
and appoint-
ment of
inspectors.

(2) The council may by a by-law divide the municipality into sections or divisions for the carrying out of this Act, and may appoint inspectors for such divisions whose duties and powers shall in all respects be the same as those of the township inspector. R.S.O. 1897, c. 278, s. 3.

Duty of
inspector.

7.—(1) The inspector shall give notice in writing to the owner or occupant of any land within the municipality whereon any of such noxious weeds or diseased crops are growing requiring him to cause them to be cut down or destroyed within ten days from the service of the notice; and it shall be the duty of the inspector to give such notice for the first time not later than such dates in each year as may be fixed by by-law of the municipality.

Lands of rail-
way company.

(2) In the case of the lands of a railway company the notice shall be given to a station master of the company resident in the municipality, or if there is none resident in it, to a station master resident in an adjoining or neighbouring local municipality.

Inspector's
powers on
default by
owner or
occupant.

(3) If such owner or occupant of land refuses or neglects to cut down or destroy all or any of such noxious weeds or diseased growing crops within the period mentioned in the notice the inspector may enter upon the land and cause them to be cut down or destroyed, doing no unnecessary damage to other growing crops, or he may lay information before any justice of the peace complaining of such refusal or neglect, and such owner or occupant shall incur the penalties provided by section 10; but no inspector shall have power to cut down or destroy or to require the owner or occupant to cut down or destroy such noxious weeds or diseased growing crops on any land sown with grain not so diseased.

Non-resident
land, notice
not required.

(4) Where such noxious weeds are growing upon non-resident land it shall not be necessary to give any notice before proceeding to cut down or destroy them. 2 Geo. V. c. 68, s. 7.

Account of
inspector's
expenses and
payment
thereof.

8.—(1) The inspector shall keep an account of the expenses incurred by him in carrying out the provisions of this Act with respect to each parcel of land entered upon, and shall deliver a statement of such expenses describing the land entered upon, and verified by oath, to the owner or occupant of resident land with a notice requiring him to pay the amount.

(a) In the case of a railway company the statement and notice may be served in the manner provided by subsection 2 of section 7.

(2) If the owner or occupant deems such expenses excessive he may appeal to the council within thirty days after the delivery of such statement, and the council shall determine the matter in dispute. Appeal to council against excessive charge.

(3) If the owner or occupant refuses or neglects to pay the same within thirty days after such request for payment the claim shall be presented to the council and the council shall audit it and allow it or so much of it as it may deem just, and order the same to be paid from the general funds of the corporation. Proceedings in case of default in payment.

(4) The inspector shall also present to the council a similar statement, verified by oath, of the expenses incurred by him in carrying out the provisions of this Act upon any non-resident land; and the council shall audit and allow the same, or so much of it as may be deemed just, and shall pay so much of it as has been so allowed. Provisions as to expenses in case of non-resident land.

(5) The council shall cause all such sums as have been so allowed and paid to be placed upon the collector's roll of the municipality against the land described in the statement of the inspector to be collected in the same manner as other taxes. 2 Geo. V. c. 68, s. 8. Collection of sums paid for expenses by municipality.

9.—(1) Overseers of highways, or other municipal officers charged with the care of highways shall see that all noxious weeds growing upon the highways in their respective divisions are cut down or destroyed at the proper times to prevent the ripening of their seed, and the work shall be performed as part of the ordinary statute labour or be paid for at a reasonable rate by the treasurer of the municipality as the council of the municipality may direct. Duties of overseers of highways as to noxious weeds.

(2) In unorganized townships where road commissioners have been appointed every owner or occupant shall cut down and destroy, at the proper time to prevent the ripening of their seed, all such noxious weeds growing on any highway adjoining such land from the boundary of such land to the centre line of the highway, and in case of default after notice from the road commissioners requiring such work to be done on or before a day named in the notice such owner or occupant shall incur a penalty of \$5 for each lot or parcel in respect of which default is made, and the penalty when recovered shall be paid to the road commissioners and be expended in improving the roads in such township. In unorganized townships.

(3) Where such default occurs the road commissioners may perform the work in place of such owner or occupant, and the cost thereof at the rate of \$2 for each day's labour involved shall be recoverable as a debt due by such owner or occupant. Penalty. Road commissioners may do the work and recover expenses.

to the road commissioners in any court of competent jurisdiction. 2 Geo. V. c. 68, s. 9.

Penalty for neglect to obey inspector's orders.

10. Any owner or occupant of land who contravenes any of the provisions of this Act or who refuses or neglects to obey any lawful order of the inspector given under this Act shall incur a penalty of not less than \$5 nor more than \$20 for every such offence. 2 Geo. V. c. 68, s. 10.

Penalty for selling seed mixed with seeds of weeds.

11. Any person who knowingly sells or offers to sell any grass, clover or other seed, or any seed grain among which there is seed of Canada thistles, ox-eye daisy, wild oats, rag-weed, hardock or wild mustard shall for every such offence incur a penalty of not less than \$5 nor more than \$20. 2 Geo. V. c. 68, s. 11.

Penalty for neglect of seeds infected by smut.

12. Any person who sows any wheat or other grain knowing it to be infected by the disease known as smut without first using some proper and available remedy to destroy the germs of such disease shall incur a penalty of not less than \$5 nor more than \$20. 2 Geo. V. c. 68, s. 12.

Penalty for neglect of duties by inspector, etc.

13. Every inspector, overseer of highways or other officer who refuses or neglects to discharge the duties imposed on him by this Act shall incur a penalty of not less than \$10 nor more than \$20. 2 Geo. V. c. 68, s. 13.

Recovery and application of penalties.

Rev. Stat. c. 96.

14. The penalties provided by this Act shall be recoverable under *The Ontario Summary Convictions Act* and, except as provided by subsection 2 of section 9, shall when recovered be paid over to the treasurer of the municipality in which the offence is committed. 2 Geo. V. c. 68, s. 14.

CHAPTER 254.

An Act to Prevent the Spread of Insect and Fungus Diseases Injurious to Vegetation.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Fruit Pest Act*. 2 Geo. V. Short title. c. 69, s. 1.

2. In this Act,

Interpreta-
tion.

(a) "Disease" shall mean the following insects and diseases in any stage of development: Codling Moth, San Jose Scale, Yellows, Little Peach, Black Knot, Pear Psylla, and Pear Blight, and any other insects and disease to which the provisions of this Act may be extended under section 19.

(b) "Minister" shall mean the Minister of Agriculture for the Province of Ontario.

(c) "Plant" shall mean any tree, vine, shrub or plant. "Plant." 2 Geo. V. c. 69, s. 2.

3. On the recommendation of the Minister, the Lieutenant-Governor in Council may appoint a Provincial Entomologist and one or more competent persons to act as inspectors, whose duties shall be to enforce the provisions of this Act. 2 Geo. V. c. 69, s. 3; 3-4 Geo. V. c. 18, s. 41 (1).

Provincial
Entomologist,
Inspectors.

4.—(1) No person shall import or bring, or cause to be imported or brought into Ontario, for any purpose whatsoever, any diseased plant or fruit, or sell or dispose of, or offer for sale any fruit infested with San Jose Scale, Yellows or Little Peach.

Importing
diseased
plants
prohibited.

(2) Wherever such diseased fruit exists or is believed by the Provincial Entomologist to exist, he may make an examination and inspection and may order any fruit so infested, or such part as he may deem advisable, to be destroyed. 2 Geo. V. c. 69, s. 4; 3-4 Geo. V. c. 18, s. 41 (2).

Examination
of suspected
fruit.

5. No person shall keep or have, or offer for exchange or sale any diseased plant. 2 Geo. V. c. 69, s. 5.

Keeping
forbidden.

6. Every person owning, leasing or managing any orchard or collection of plants, other than a nursery, shall, when any

Destruction
of diseased
plants.

plant therein becomes diseased and forthwith on becoming aware of such disease, destroy such plant by fire or effectually treat the disease by fumigation or spraying with such material as may be prescribed by the Minister. 2 Geo. V. c. 69, s. 6.

Appoint-
ment of
inspectors
by municipi-
pality.

7. (1) The council of any local municipality may, and upon the petition of twenty-five or more fruit growers who are ratepayers, shall, by by-law, appoint at least one inspector to enforce the provisions of this Act in the municipality and fix the amount of remuneration, fees or charges he shall receive for the performance of his duties.

Approval of
Minister.

(2) All such appointments, remuneration, fees or charges shall be subject to, and be only operative on the written approval of the Minister, communicated by him to the clerk of the municipality.

Duration
of by-law.

(3) The by-law shall not take effect unless and until approved by the Minister and shall remain in force only for the calendar year in which it is passed.

Transmit-
ting copy to
Minister.

(4) The clerk of the municipality shall transmit a certified copy of every such by-law to the Minister of Agriculture before the first day of March after the passing thereof. 2 Geo. V. c. 69, s. 7.

Notice to
owner or
occupant.

8. Upon the report of the municipal inspector to the Provincial Entomologist that there is disease upon the plants on any lot within the municipality, the Provincial Entomologist shall direct the municipal inspector to give notice personally by the inspector or by registered letter to the owner or occupant of the lot to have the plants forthwith sprayed, or to have them destroyed by burning as may be determined by the provincial inspector, and if this is not done within ten days after the notice has been given, the inspector may cause such spraying or destruction by burning to be done, and he shall report to the clerk what has been done, and the cost of the work, and such cost shall be charged on the lot and be collected as a special tax in addition to the other taxes imposed by the municipal council on the lot. 2 Geo. V. c. 69, s. 8; 3-4 Geo. V. c. 18, s. 42 (3).

Municipal
inspectors
to obey
regulations.

9. Every inspector appointed by a municipal council shall be subject to and observe the regulations and directions of the Minister, and shall be subject and subordinate to the Provincial Entomologist appointed by the Minister; and in case of any neglect of duty the Minister may withhold from the township all or any part of the amount due to it for services. 2 Geo. V. c. 69, s. 9; 3-4 Geo. V. c. 18, s. 42 (4).

Remunera-
tion of
municipal
inspectors.

10. The council shall pay the remuneration, fees or charges of the municipal inspector and shall be entitled to receive from the Department of Agriculture one-half of the amount so paid upon furnishing the Department with a statement of the sums so paid, certified to by the Provincial

Entomologist, provided that such statement is submitted to the Minister on or before the fifteenth day of December of the year to which it applies. 2 Geo. V. c. 69, s. 10.

11.—(1) The proprietor or manager of any nursery shall not send out or permit any plant to be removed from his nursery until he has received a certificate from the Provincial Entomologist that his nursery has been examined and found to be apparently free from disease. Certificate before removal of plant from nursery.

(2) Such certificate shall be good for one year from the date of issue, but may be renewed from year to year. Donation. 2 Geo. V. c. 69, s. 11; 3-4 Geo. V. c. 18, s. 42 (5).

12. No person shall sell or dispose of or offer for sale any plant obtained, taken or sent out from a nursery unless the same has been previously fumigated by hydrocyanic acid gas in accordance with the regulations. 2 Geo. V. c. 69, s. 12; 3-4 Geo. V. c. 18, s. 42 (6). No sale before fumigation.

13. If an inspector finds disease in any nursery and so reports to the Minister, the Minister may thereupon inform in writing the proprietor or manager of the nursery in writing of the existence of the disease; and the proprietor or manager shall not thereafter permit any plant to be removed until he is notified in writing by the Minister that the inspector has reported to the Minister that it is safe in the public interest to permit such removal after fumigation. 2 Geo. V. c. 69, s. 13. Removal forbidden where disease exists.

14. For the purpose of scientific investigation the Minister may, from time to time, by writing given under his hand, except such persons as he may deem proper from the operation of sections 11 and 13, and while acting under such permission such persons shall not be subject to the penalties imposed by this Act. 2 Geo. V. c. 69, s. 14. Exception for scientific purposes.

15. Any person having reason to suspect that any plant in his possession or in his charge or keeping is diseased shall forthwith communicate with the Minister in regard to the same, and shall furnish the Minister with all such information in regard to the source or origin of such infestation and the nature of the same as he may be able to give. 2 Geo. V. c. 69, s. 15. Duty of owner of diseased plant.

16.—(1) When disease exists or is supposed to exist on any plant, the Minister may direct a competent person to make an examination and inspection, and may order that any plant so infested, or any such part as he may deem advisable, shall be immediately destroyed by burning, either by the person appointed to make the inspection or by the person owning or having possession of the plant, or some other person so directed in writing, and the person so directed shall report to the Minister in writing the nature and extent of the work so performed, together with a fair estimate of the value of the plants destroyed. Examination of diseased plants and destruction by burning.

Where disease found in several parts of orchard or collection.

(2) If, in a nursery, orchard or collection of plants, the inspector finds disease on plants located in several different parts of the nursery, orchard or collection, and decides that it is advisable in the public interest to destroy all the plants in such nursery, orchard or collection, or in any part thereof, and so reports to the Minister, the Minister may direct that an examination or inspection shall be made by an additional inspector, and upon the advice in writing of both inspectors he may direct that all the plants in such nursery, orchard or collection, or in such part or parts thereof shall be destroyed without requiring that every plant therein shall be first examined. 2 Geo. V. c. 69, s. 16.

Free access for inspectors, etc.

17. Any inspector or other person acting under the authority of this Act shall, upon producing his authority in writing, have free access to any nursery, orchard, storeroom, or other place where it is known or suspected that any plant is kept. 2 Geo. V. c. 69, s. 17.

Penalty.

18. Any person neglecting to carry out the provisions of this Act, or any person offering any hindrance to the carrying out of this Act shall incur a penalty of not less than \$10 or more than \$100, recoverable under *The Ontario Summary Convictions Act*. 2 Geo. V. c. 69, s. 18.

Extension of Act to other diseases.

19.—(1) The Lieutenant-Governor in Council may, by Order, direct that other insects and diseases than those mentioned may be included in the provisions of this Act, and thereafter during the continuance of such Order-in-Council, the word "Disease" in this Act shall include all such other insects and diseases.

(2) Public notice of such Order-in-Council shall be given by publication in two successive issues of the *Ontario Gazette*. 2 Geo. V. c. 69, s. 19.

Regulations.

20. The Lieutenant-Governor in Council may make such regulations as may be deemed expedient for the better carrying out the provisions of this Act. 2 Geo. V. c. 69, s. 20.

CHAPTER 255.

An Act respecting the Barberry Shrub.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Barberry Shrub Act*. Short title
2 Geo. V. c. 70, s. 1.

2. In this Act “Barberry” shall mean the species *Berberis* “Barberry,” meaning of.
Vulgaris L. 2 Geo. V. c. 70, s. 2.

3. Every person who plants, cultivates or sells the shrub Penalty for planting shrub.
known as the barberry shrub shall incur a penalty not exceeding \$10, to be recoverable under *The Ontario Summary Con-* Rev. Stat. c. 90.
victions Act. 2 Geo. V. c. 70, s. 3.

4. The council of any municipality may order the owner or shrub where already plant-
occupant of any land on which any hedge or fence formed by ed on farm
such shrub or any plant of such shrub is growing to remove lands to be
and destroy the same, and upon his neglect or refusal so to polled up.
do within one month after the service of notice in writing
requiring such removal and destruction the council may
cause the same to be removed and destroyed, and in such case
he shall not be entitled to compensation for such removal and
destruction. 2 Geo. V. c. 70, s. 4.

5.—(1) If within thirty days after receiving the notice the Compensation for destruction.
owner or occupant removes and destroys such shrub he shall
be entitled to compensation for the value of the plant and the
cost of removal.

(2) In default of agreement the amount of such compensa- Fixing amount.
tion shall be determined in writing by the fence viewers of
the municipality, and the amount agreed upon or awarded
shall be paid to the owner or occupant by the treasurer of
the municipality. 2 Geo. V. c. 70, s. 5.

6.—(1) Where any person has planted or has growing upon shrub already planted in cities, etc., to be destroyed.
land owned or occupied by him and situate within any city,
town or village any hedge or fence formed by such shrub or
any plants of such shrub the Minister of Agriculture may, up-
on petition signed by at least three owners or occupants of
land in an adjoining township, and after the report of one or
more qualified persons appointed by the Minister for such pur-
pose, require the owner or occupant to remove and destroy

such hedges, fences or plant, and upon his neglect or refusal to do so within one month after the service of notice in writing requiring such removal and destruction the Minister may cause the same to be removed and destroyed.

Compensation.

(2) Where such owner or occupant removes and destroys such hedge, fence or plant as required by the Minister, and such hedge, fence or plant was planted before the 30th day of April, 1900, he shall be entitled to such compensation as the Minister sees fit to allow to be paid out of the Consolidated Revenue Fund. 2 Geo. V. c. 70, s. 6.

CHAPTER 256.

An Act to prevent the Extermination of the Plant
called Ginseng.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. This Act may be cited as *The Ginseng Act*. 2 Geo. V. Short title.
c. 71, s. 1.

2. Except for the purpose of clearing or bringing land into Destruction of
ginseng pro-
hibited.
cultivation no person shall, between the first day of January
and the first day of September in any year, cut, root up,
gather or destroy the plant known by the name of ginseng
growing in a wild or uncultivated state. 2 Geo. V. c. 71, s. 2.

3. No person shall purchase ginseng knowing the same to Purchasing
with know-
ledge of illegal
gathering.
have been cut, rooted up, or gathered between the first day of
January and the first day of September. 2 Geo. V. c. 71, s. 3.

4.—(1) Any person who contravenes the provisions of this Penalty
and recovery.
Act shall incur a penalty of not less than \$5 and not more
than \$20 to be recovered under *The Ontario Summary Con-
victions Act*. Rev. Stat. c. 90.

(2) One-half of such penalty shall be paid to the prosecutor Application of
penalty.
unless otherwise ordered by the convicting Justice. 2 Geo. V.
c. 71, s. 4.

5. Evidence of the purchase or sale of ginseng between the Proof of pur-
chase or sale
to be prima
facie evidence.
first day of January and the first day of September shall be
prima facie proof of a contravention of this Act. 2 Geo. V.
c. 71, s. 5.

6. In any prosecution for a contravention of section 3 evi- Proof of illegal
gathering to
be prima facie
evidence
against pur-
chaser.
dence that the ginseng purchased has been illegally obtained
by the vendor shall be *prima facie* proof of a contravention of
this Act by the purchaser. 2 Geo. V. c. 71, s. 6.

CHAPTER 257.

An Act for the Protection of Bees.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Bee Protection Act*.
2 Geo. V. c. 72, s. 1.

2. No person in spraying or sprinkling fruit trees during the period within which such trees are in full bloom shall use any mixture containing Paris green or any other poisonous substance injurious to bees. 2 Geo. V. c. 72, s. 2.

3. Any person contravening the provisions of this Act shall incur a penalty of not less than \$1 and not more than \$5 recoverable under *The Ontario Summary Convictions Act*.
2 Geo. V. c. 72, s. 3.

CHAPTER 258.

An Act for the Suppression of Foul Brood among Bees.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows—

1. This Act may be known as *The Foul Brood Act*. 2 Geo. Short title.
V. c. 73, s. 1.

2.—(1) The Lieutenant-Governor in Council upon the recommendation of the Minister of Agriculture may from time to time appoint one or more Inspectors of Apiaries to enforce this Act. Appointment of inspector of apiaries.

(2) The Inspector shall, if so required, produce the certificate of his appointment on entering upon any premises in the discharge of his duties. Producing certificate.

(3) The remuneration to be paid to an Inspector under this Act shall be determined by order of the Lieutenant-Governor in Council, and shall be payable out of any sum appropriated by this Legislature for the enforcement of this Act. 2 Geo. V. c. 73, s. 2. Remuneration.

3.—(1) The Inspector shall, whenever so directed by the Minister, visit any locality in Ontario and examine any apiary to which the Minister directs him, for the purpose of ascertaining if the disease known as "Foul brood" exists in such apiary. Duties of inspectors.

(2) If the Inspector finds that foul brood exists in a virulent or malignant type, he shall order all colonies of bees so affected, together with the hives occupied by them, and the contents of such hives and all tainted appurtenances that cannot be disinfected to be immediately destroyed by fire under his personal direction and superintendence. Destruction where disease malignant.

(3) Where the Inspector, who shall be the sole judge thereof, finds that the disease exists but only in a milder type and in its incipient stage, and is being or may be treated successfully, and the Inspector has reason to believe that it may be entirely cured, then he may omit to destroy or order the destruction of such colonies and hives. 2 Geo. V. c. 73, s. 3. Treatment, where disease mild.

4. The Inspector may order the owner or possessor of any bees dwelling in box or immovable frame hives to transfer them to movable frame hives within a specified time, and in Transfer to movable hives.

default the Inspector may destroy or order the destruction of such hives and the bees dwelling therein. 2 Geo. V. c. 73, s. 4.

Penalty for disposing of infected bees or appliances.

5. Any owner or possessor of diseased colonies of bees, or of any infected appliances for bee-keeping, who knowingly sells or barter or gives away or removes from the premises such diseased colonies or infected appliances shall incur a penalty of not less than \$50 or more than \$100. or he may be imprisoned for any term not exceeding two months. 2 Geo. V. c. 73, s. 5; 3-4 Geo. V. c. 18, s. 43.

Selling infected bees after treatment or exposing appliances.

6. Any person whose bees have been destroyed or treated for foul brood who sells or offers for sale any bees, hives or appurtenances of any kind after such destruction or treatment and before being authorized by the Inspector so to do or who exposes in his bee-yard, or elsewhere any infected comb honey or other infected thing, or conceals the fact that such disease exists among his bees shall incur a penalty of not less than \$20 or more than \$50, or he may be imprisoned for a term not exceeding two months. 2 Geo. V. c. 73, s. 6.

Penalty for obstructing inspector.

7. Any owner or possessor of bees who refuses to allow the Inspector to freely examine bees or the premises in which they are kept, or who refuses to destroy the infected bees and appurtenances or to permit them to be destroyed when so directed by the Inspector, shall, on the complaint of the Inspector, incur a penalty of not less than \$25 or more than \$50 for the first offence, and not less than \$50 or more than \$100 for the second and any subsequent offence, and the convicting Justice shall by the conviction order such owner or possessor forthwith to carry out the directions of the Inspector. 2 Geo. V. c. 73, s. 7.

Employment of special constables.

8. Where such owner or possessor of bees disobeys the directions of the said Inspector, or offers resistance to or obstructs him, a Justice of the Peace may upon the complaint of the Inspector cause a sufficient number of special constables to be sworn in who shall, under the directions of the Inspector, proceed to the premises of such owner or possessor and assist the Inspector to seize all the diseased colonies and infected appurtenances and burn them forthwith, and if necessary the Inspector or constables may arrest the owner or possessor and bring him before a Justice of the Peace to be dealt with according to the provisions of the next preceding section. 2 Geo. V. c. 73, s. 8.

Informing offender of provisions of Act.

9. Before proceeding against any person before a Justice of the Peace the Inspector shall read over to such person the provisions of this Act or shall cause a copy thereof to be delivered to him. 2 Geo. V. c. 73, s. 9.

10. Every owner or possessor of bees and any other person who is aware of the existence of foul brood either in his own apiary or elsewhere shall immediately notify the Minister of the existence of such disease and in default of so doing shall incur a penalty of \$5. 2 Geo. V. c. 73, s. 10.

Duty to
notify
Minister.

11. Each Inspector shall report to the Minister as to the inspection of any apiary in such form and manner as the Minister may direct, and all reports shall be filed in the Department of Agriculture and shall be made public as the Minister may direct or upon order of the Assembly. 2 Geo. V. c. 73, s. 11.

Inspectors
to report to
Minister.

12. *The Ontario Summary Convictions Act* shall apply to all prosecutions for offences against this Act. 2 Geo. V. c. 73, s. 12.

Prosecutions.
Rev. Stat. c. 90.

CHAPTER 259.

An Act respecting Line Fences.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Line Fences Act*. 3-4 Geo. V. c. 67, s. 1.

Interpretation.

2.—(1) In this Act,

"Judge."

(a) "Judge" shall mean judge of the county or district court;

"Occupied lands."

(b) "Occupied lands" shall not include so much of a lot as is unenclosed, although a part of it is enclosed and in actual use and occupation.

(2) Where, within the meaning of section 4, there is a dispute between owners or occupants of lands situate in different local municipalities,

"Fence-viewers."

(a) "Fence-viewers" shall mean two fence-viewers of the municipality in which is situate the land of the owner or occupant notified under clause (a) of section 4, and one fence-viewer of the municipality in which is situate the land of the person giving the notice; except that in case of a disagreement within the meaning of clause (d) of that section "Fence-viewers" shall mean fence-viewers from either or both municipalities;

"In which the land is situate;" "In which the land lies."

(b) "In which the land is situate" and "in which the land lies" shall mean in which is situate the land of the owner or occupant so notified under clause (a) of section 4. 3-4 Geo. V. c. 67, s. 2.

Duties of owners of adjoining lands as to fences; Occupied lands.

3.—(1) Owners of adjoining occupied lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence they shall make and keep up and repair the same proportion of a fence to mark such boundary.

Unoccupied land.

(2) Owners of unoccupied land which adjoins occupied land, upon such unoccupied land becoming occupied, shall be liable to keep up and repair such proportion, and in that respect shall be in the same position as if their land had been occupied at the time of the original fencing, and shall be

liable to the compulsory proceedings hereinafter mentioned.
3-4 Geo. V. c. 67, s. 3.

4. Where an owner of land desires fence-viewers to view and arbitrate as to what portion of such fence each owner shall make, keep up and repair or as to the condition of an existing line fence and as to repairs being done to the same:

Disputes between owners, how to be settled.

(a) Either owner may notify, Form 1, the other owner or the occupant of the land of such other owner that he will, on a day named, not less than one week from the service of such notice, cause three fence-viewers of the locality to arbitrate in the premises;

Notice to owner or occupant of adjoining land.

(b) The owner so notifying shall also notify, Form 2, the fence-viewers not less than one week before their services are required;

And to fence-viewers.

(c) The notices in both cases shall be in writing signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and the notice to an owner may be served by leaving the same at the place of abode of such owner or occupant with some grown-up person residing thereat; or, in case of the land being untenanted, by leaving the notice with any agent of such owner;

What to contain.

(d) An owner notified may, within the week, object to any or all the fence-viewers notified, and in case of disagreement a judge shall name the fence-viewers who are to arbitrate. 3-4 Geo. V. c. 67, s. 4.

When Judge to appoint fence-viewers.

5. An occupant who is not the owner so notified shall immediately notify the owner, and if he neglects so to do shall be liable for all damage caused to the owner by such neglect. 3-4 Geo. V. c. 67, s. 5.

Duty and liability of occupants as to notifying owners.

6. The fence-viewers shall examine the premises, and if required by either party shall hear evidence, and may examine the parties and their witnesses on oath. 3-4 Geo. V. c. 67, s. 6.

Duties and powers of fence-viewers.

7.—(1) The fence-viewers shall make an award, Form 3, signed by any two of them respecting the matters in dispute; and the award shall specify the locality, quantity, description and the lowest price of the fence awarded to be made and the time within which the work shall be done, and shall state by which of the parties or in what proportion the costs of the proceedings shall be paid.

Award of fence-viewers. Contents.

(2) In making the award the fence-viewers shall have regard to the nature of the fences in use in the locality, the

Character of fence.

peculiar circumstances of the parties and the suitableness of the fence to the wants of each of them.

Location
of fence.

(3) Where, from the formation of the ground by reason of streams or other causes, it is, in the opinion of the fence-viewers, impracticable to locate the fence upon the line between the lands of the parties, they may locate it either wholly or partly on the land of either of the parties where it seems to be most convenient; but such location shall not in any way affect the title to the land.

Employ-
ment of
surveyor.

(4) The fence-viewers may employ an Ontario Land Surveyor and have the locality described by metes and bounds. 3-4 Geo. V. c. 67, s. 7.

Deposit of
award.

Award may
be evidence.

Notification
of award.

8. The award shall be deposited in the office of the clerk of the municipality in which the land of the owner who initiated the proceedings is situate, and may be proved by a copy certified by the clerk; and notice in writing of its being made shall be given by the clerk to all parties interested. 3-4 Geo. V. c. 67, s. 8.

Extending
time for
making
fence.

9. A judge may, on application of either party, extend the time for making the fence as he may deem just. 3-4 Geo. V. c. 67, s. 9.

Award, how
enforced.

10. (1) The party desiring to enforce the award shall serve upon the owner or occupant of the adjoining land a notice in writing requiring him to obey the award, and if it is not obeyed within one month after service of the notice may do the work which the award directs, and may immediately take proceedings to recover its value and the costs from the owner by action in the division court of any division in which any part of the land affected by the award is situate.

Collection
of debt and
costs as
taxes.

(2) Instead of requiring execution to be issued upon the judgment so recovered the party entitled to enforce the same may obtain a certificate from the clerk of the division court of the amount due for debt and costs in respect of such judgment, and shall be entitled, upon lodging the same with the clerk of the municipality, to have the amount so certified placed upon the collector's roll, and the same may be collected in the same manner as taxes are collected, and shall until so collected or otherwise paid be a charge upon the land liable for the payment thereof, and in such case execution shall not thereafter issue on such judgment. 3-4 Geo. V. c. 67, s. 10.

Award to be
a charge on
land, if
registered.

11. (1) The award may be registered in the proper registry or land titles office and when registered shall be a charge upon the land affected by it.

How regis-
tered.

(2) Registration may be by deposit of a duplicate of the award or of a copy, verified by affidavit, together with an affidavit of the execution of the award. 3-4 Geo. V. c. 67, s. 11.

12.—(1) Any person dissatisfied with the award may ap-^{Appeals.}
 peal therefrom to a judge.

(2) The appellant shall, within one week from the time ^{Notice of}
 when he was notified of the award, serve upon the fence-^{appeal.}
 viewers and all parties interested a notice in writing of his
 intention to appeal, and the notice may be served as other
 notices mentioned in this Act.

(3) The appellant shall also deliver a copy of the notice ^{To Clerk.}
 to the clerk of the division court of the division in which the
 land lies, and the clerk shall immediately notify the judge of
 such appeal; and the judge shall fix a time and place for the
 hearing of the appeal and shall communicate the same to the
 clerk, and, if he thinks fit, may order such sum of money to
 be paid by the appellant to the clerk as will be a sufficient
 indemnity against the costs of the appeal.

(4) The clerk shall notify the fence-viewers and all parties ^{Notice of}
 interested of the time and place of hearing, in the manner ^{hearing.}
 hereinbefore provided for the service of other notices under
 this Act.

(5) The judge shall hear and determine the appeal and ^{Powers of}
 may set aside, alter or affirm the award, or correct any error ^{the Judge.}
 therein, and may examine the parties and their witnesses on
 oath, and may inspect the premises; and may order payment
 of costs by either party and fix the amount of such costs.

(6) The decision of the Judge shall be final; and the award, ^{Decision of}
 as altered or affirmed, shall be dealt with in all respects as it ^{Judge to}
 would have been if it had not been appealed from. ^{be final.}

(7) The practice and procedure on the appeal, including ^{Procedure.}
 the fees payable for subpoenas and the conduct money of wit-
 nesses, shall be the same, as nearly as may be, as in the case
 of a suit in the division court.

(8) Where the award affects land in two or more counties ^{Where}
 or districts the appeal may be to a judge of the county or ^{land in}
 district court of the county or district in which any part of ^{different}
 the land is situate. 3-4 Geo. V. c. 67, s. 12. ^{counties.}

13.—(1) Each fence-viewer shall be entitled to \$2 for ^{Fees to}
 every day's work under this Act, and an Ontario Land Sur-^{fence-}
 veyor and a witness shall be entitled to the same compensa-^{viewers,}
 tion as if subpoenaed in a division court. ^{surveyors}
^{and}
^{witnesses.}

(2) The corporation of the municipality shall, at the expir-^{When to be}
 ation of the time for appeal or after appeal as the case may ^{paid, etc.}
 be, pay to the fence-viewers their fees, and shall, unless the
 same be forthwith repaid by the person adjudged to pay the
 same, place the amount upon the collector's roll as a charge
 against such person, and the same may be collected in the
 same manner as municipal taxes. 3-4 Geo. V. c. 67, s. 13.

Judge's
expenses.

14.—(1) If the judge inspects the premises or hears the appeal at a place other than the county or district town he shall be entitled to be paid the actual expenses incurred by him and, in the order setting aside, altering or affirming the award, shall fix the amount of such expenses and name the person by whom the same shall be paid.

Municipality
to pay
expenses
and collect
amount.

(2) The judge shall be paid by the corporation of the municipality the amount so fixed, and the same shall be collected in the same manner as is provided in respect to the fence-viewer's fees. 3-4 Geo. V. c. 67, s. 14.

15. Any agreement in writing, Form 4, between owners respecting a line fence may be filed or registered and enforced as if it was an award of fence-viewers. 3-4 Geo. V. c. 67, s. 15.

Owner of
division
fence which
in part
encloses an-
other per-
son's land
not to
remove
same ex-
cept upon
notice, etc.

16.—(1) The owner of the whole or part of a line fence which forms part of the fence enclosing the occupied or improved land of another person shall not take down or remove any part of such fence,

(a) without giving at least six months' previous notice of his intention to the owner or occupant of such adjacent enclosure, unless such last mentioned owner or occupant, after demand made upon him in writing by the owner of such fence, refuses to pay therefor the sum determined as provided by section 7; or

(b) if such owner or occupant will pay to the owner of such fence or part thereof such sum as the fence-viewers may award to be paid therefor under section 7.

Provisions
of this Act
to apply to
cases under
this section.

(2) The provisions of this Act for determining disputes between the owners of adjoining occupied lands, the manner of enforcing awards and appeals therefrom and the forms and all other provisions of this Act, so far as applicable, shall apply to proceedings under this section. 3-4 Geo. V. c. 67, s. 16.

Provision,
when a tree
is thrown
down across
a line
fence.

17.—(1) If any tree is thrown down by accident or otherwise across a line fence, or in any way in and upon the land adjoining that upon which such tree stood, causing damage to the crop upon such land or to such fence, the owner or occupant of the land on which such tree stood shall remove the same forthwith, and also forthwith repair the fence and otherwise make good any damage caused by the falling of the tree.

When in-
jured party
may remove
tree.

(2) On his neglect or refusal so to do for forty-eight hours after notice in writing to remove the tree the injured person may remove the same in the most convenient and inexpensive manner, and may make good the fence so damaged, and may claim such tree to remunerate him for such removal, and may

also recover any further amount of damages beyond the value of such tree from the person liable to pay it.

(3) For the purpose of such removal the owner of the tree may enter into and upon such adjoining land doing no unnecessary spoil or waste. Right of entry.

(4) All questions arising under this section shall be adjusted by three fence-viewers of the municipality, the decision of any two of whom shall be binding upon the parties. Fence-viewers to decide disputes.
3-4 Geo. V. c. 67, s. 17.

[For the powers of municipalities to pass by-laws regulating division fences see *The Municipal Act, Rev. Stat. c. 192, s. 399, par. 30.*]

FORM 1.

(Section 4.)

NOTICE TO OPPOSITE PARTY.

Take notice, that Mr. _____, Mr. _____, and Mr. _____, three fence-viewers of this locality, will attend on the _____ day of _____ 19____, at the hour of _____, to view and arbitrate upon the line fence in dispute between our lands, being lots (or parts of lots) *one* and *two* in the _____ concession of the township of _____ in the county of _____

Dated the _____ day of _____, 19____
A. B.,
Owner of lot 1.

To C. D.,
Owner of lot 2.

3-4 Geo. V. c. 67, Sched. Form 1.

FORM 2.

(Section 4.)

NOTICE TO FENCE-VIEWERS.

Take notice that I require you to attend at _____ on the _____ day of _____, 19____, at _____ o'clock, a.m., to view and arbitrate on the line fence between my land and that of Mr. _____, being lots (or parts of lots) Nos. *one* and *two* in the _____ concession of the township of _____ in the county of _____

Dated the _____ day of _____, 19____
A. B.,
Owner of lot 1.

To
Fence-viewers.

3-4 Geo. V. c. 67, Sched. Form 2.

FORM 3.

(Section 7.)

AWARD.

We, the fence-viewers of _____ (*name of the locality*), having been nominated to view and arbitrate upon the line fence between _____ of (*name and description of owner who notified*) and (*name and description of owner notified*), which fence is to be made and maintained between (*describe land*), and having examined the land and duly acted according to *The Line Fences Act*, award as follows: That part of the line which commences at _____ and ends at (*describe the points*) shall be fenced, and the fence maintained by _____ and that part thereof which commences at _____ and ends at _____ (*describe the points*) shall be fenced, and the fence maintained by _____. The fence shall be of the following description (*state the kind of fence, height, material, etc.*), and shall cost at least _____ per rod. The work shall be commenced within _____ days, and completed within _____ days from this date, and the costs shall be paid by (*state by whom to be paid; if by both, in what proportion*).

Dated the _____ day of _____ 19____
(*Signatures of fence-viewers.*)

Witnesses:

3-4 Geo. V. c. 67, Sched. Form 3.

FORM 4.

(Section 15.)

AGREEMENT.

We _____ and _____, owners respectively of lots (*or parts of lots*) one and two in the _____ concession of the township of _____, in the county of _____, do agree that the line fence which divides our lands shall be made and maintained by us as follows: (*follow the same form as award.*)

Dated the _____ day of _____ 19____

Witnesses:

(Signatures of Parties.)

3-4 Geo. V. c. 67, Sched. Form 4.

CHAPTER 260.

An Act respecting Ditches and Watercourses.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ditches and Watercourses Act*. 2 Geo. V. c. 74, s. 1.

2. This Act shall not affect the Acts relating to municipal or government drainage work. 2 Geo. V. c. 74, s. 2. Certain Acts not affected.

3. In this Act,

- (a) "Clear days" shall mean exclusive of the first and last days of any number of days prescribed; Interpretation.
"Clear days."
- (b) "County" shall include District; "County."
- (c) "County Court" shall include District Court; "County Court."
- (d) "Construction" shall mean the original opening or making of a ditch by artificial means; "Construction."
- (e) "Ditch" shall mean and include a drain opened or covered wholly or in part, and whether or not in the channel of a natural stream, creek or watercourse, and also the work and material necessary for bridges, culverts, catch-basins, and guards;
- (f) "Engineer" shall mean the person appointed by a municipal council as engineer to carry out the provisions of this Act; "Engineer."
- (g) "Judge" shall mean the senior, junior, or acting Judge of the County Court of the county in which the lands in respect of which the proceedings under this Act are taken are situate;
- (h) "Maintenance" shall mean and include the preservation of a ditch and keeping it in repair; "Maintenance."
- (i) "Non-resident" shall mean a person who does not reside within the municipality in which his land, affected by proceedings under this Act, is situate; "Non-resident."
- (j) "Owner" or "owners" shall mean and include the owner or possessor of any real or substantial interest in land, whether held in fee simple, fee tail, for one or more life or lives or for a term of "Owner," meaning of.

years not less than ten, a lessee for a term of not less than five years with an option to purchase, the personal representative of a deceased owner, the committee of a lunatic owner, the guardian of an infant owner, any person entitled to sell and convey the land, an agent under a general power of attorney authorizing the appointee to manage and lease the land, and a municipal corporation as regards any highway or other land under its jurisdiction. 2 Geo. V. c. 74, s. 3.

Application
to drainage
of lands for
mining or
manufactur-
ing purposes.

4.—(1) This Act shall apply to the drainage, amongst other land, of land for mining or manufacturing purposes, and to enable the owner thereof to take proceedings thereunder; but in such case the engineer, in default of agreement, shall determine whether the land of other owners through which the ditch may pass shall be called upon to contribute to the construction of the ditch, and whether and to what extent such land may require drainage or will be benefited thereby.

Where lands
of other
owners
not benefited.

(2) Where the engineer finds that the land of such other owners does not require drainage and that the ditch will not substantially benefit such land, he shall determine what compensation the owner of the land used for mining or manufacturing purposes shall make for any injury caused to such other owners by reason of the ditch passing through their land; but if such land will be substantially benefited by such drainage, he shall determine the extent of such benefit and shall deduct the same from the amount of compensation to be made or shall take the proceedings provided for by subsection 3 of section 16, as the case may require. 2 Geo. V. c. 74, s. 4.

Where
benefited

Appoin-
ment of
engineer

5.—(1) The council of every local municipality shall by by-law, Form 1, appoint a civil engineer, Ontario land surveyor or other competent person to be the engineer to carry out the provisions of this Act, and he shall be and continue an officer of the corporation until another engineer is appointed in his stead who may continue any work already undertaken.

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(2) The council shall also, by by-law, provide for the payment to the clerk of the municipality of a reasonable remuneration for services performed by him in carrying out the provisions of this Act, and shall also by by-law fix the charges to be made by the engineer for services performed by him under this Act.

Oath of
engineer

(3) Every engineer before entering upon his duties shall take and subscribe the following oath and shall file the same with the clerk of the municipality:

In the matter of *The Ditches and Watercourses Act*.

I (name in full) of the _____ of _____ in the county (or district) of _____, engineer (or surveyor or as the case may

be) make oath and say, (or do solemnly declare and affirm), that I will to the best of my skill, knowledge, judgment and ability, honestly and faithfully and without fear of, favour to, or prejudice against, any owner or owners perform the duties from time to time assigned to me in connection with any work under *The Ditches and Watercourses Act*, and make a true and just award thereon.

Sworn (or affirmed)
before me at _____ of _____
in the _____ of _____ this
day of _____ 19____

A Commissioner, etc., (or Township Clerk, or J.P.)

2 Geo. V. c. 74, s. 5.

6.—(1) Every ditch constructed under this Act shall be continued to a sufficient outlet, but shall not pass through or into more than seven original township lots, exclusive of any part of the ditch on or across a road allowance, unless the council of any municipality, upon the petition of a majority of the owners of all the land to be affected by the ditch, passes a resolution authorizing the extension thereof through or into any other lots within such municipality, or any adjoining municipality, and upon the passing of such resolution the proposed ditch may, subject to subsection 2, be extended in pursuance of such resolution.

(2) No ditch, the whole cost of which, according to the estimate of the engineer or the agreement of the parties, will exceed \$1,500, shall be constructed under the provisions of this Act. 2 Geo. V. c. 74, s. 6.

7. The land, the owners of which may be made liable for the construction of a ditch under this Act, shall be that lying within one hundred and fifty rods from the sides and point of commencement of the ditch, but land through or into which the ditch does not pass and which also adjoins any road allowance traversed by the ditch shall not be liable, except when directly benefited, and then only for the direct benefit. 2 Geo. V. c. 74, s. 7.

8.—(1) The owner of land who requires the construction of a ditch thereon, before filing with the clerk of the municipality the requisition provided for by section 13, shall serve upon the owners or occupants of the other land to be affected a notice in writing, Form 2, signed by him and naming a day and hour and also a place convenient to the site of the ditch, at which all the owners are to meet and estimate the cost of the ditch, and agree, if possible, upon the apportionment of the work and supply of material for construction, among the several owners, according to their respective interests therein, and settle the proportions in which the ditch shall be maintained.

Service of
notice.

(2) The notices shall be served not less than twelve clear days before the time named therein for meeting.

Application
to set aside
proceedings
where re-
quisitioner
is not
owner.

(3) The owner or occupant of any land to be affected who has been served with the notice mentioned in subsection 1 may within five clear days after service of the notice upon him apply to the Judge to set aside the proceedings on the ground that the person who commenced them is not an owner within the meaning of this Act.

Presumption
of owner-
ship when
conclusive.

(4) If such application is not made, or, if made, is unsuccessful, the right of the person who commenced the proceedings to do so shall not thereafter be open to question, but shall be conclusively presumed. 2 Geo. V. c. 74, s. 8.

Form of
agreement,
filing.

9. If an agreement is arrived at by the owners, it shall be reduced to writing, Form 3, and signed by all the owners, and shall within six days after the signing thereof be filed with the clerk of the municipality in which the land, the owner of which requires the ditch, is situate; but if the lands affected lie in two or more municipalities the agreement shall be in as many parts as there are municipalities, and one part shall be filed with the clerk of each municipality, and the agreement may be enforced in the same manner as an award of the engineer as hereinafter provided. 2 Geo. V. c. 74, s. 9.

Informal-
ties not to
invalidate
proceedings.

10. Want of strict compliance with the provisions of sections 8 and 9 shall not avoid any proceedings taken or agreement made and entered into thereunder, or invalidate any subsequent proceedings taken thereunder, provided such notices have been duly served, and any such agreement may be amended so as to conform to this Act, with the consent in writing of the parties thereto, filed in the same manner as the agreement, or by order of the Judge on an appeal under this Act. 2 Geo. V. c. 74, s. 10.

Adjourning
meeting for
purpose
of adding
parties.

11. If at the meeting of owners it appears that the notice required by section 8 has not been duly served, the owners present at such meeting may adjourn the meeting to some subsequent day to enable the necessary notices to be served and such adjourned meeting shall, if such notices have been served, be a sufficient compliance with this Act. 2 Geo. V. c. 74, s. 11.

Signature
on be-
half of muni-
cipality.

12. The head of the council of any municipality may sign the agreement and his signature shall be binding upon the corporation. 2 Geo. V. c. 74, s. 12.

Requisition
for appoint-
ment by en-
gineer when
no agree-
ment arrived
at.

13. If an agreement is not arrived at by the owners at the meeting, or within five days thereafter, the owner requiring the ditch may file with the clerk of the municipality in which his land is situate a requisition, Form 4, naming therein all the several parcels of land that will be affected by the ditch

and the respective owners thereof, and requesting that the engineer appoint a time and place in the locality of the proposed ditch, at which he will attend, to make an examination as hereinafter provided. 2 Geo. V. c. 74, s. 13.

14.—(1) The clerk, upon receiving the requisition, shall forthwith transmit a copy of it by registered post to the engineer.

Notice to
engineer and
notice of
appointment
made by
engineer.

(2) On the receipt of the same by the engineer he shall notify the clerk in writing appointing a time and place at which he will attend in answer to the requisition, which time shall be not less than ten and not more than sixteen clear days from the day on which he received the copy of the requisition.

Notifying
clerk
thereof.

(3) On the receipt of such notice of the appointment from the engineer the clerk shall file the same with the requisition, and shall forthwith send, by registered post, a copy of the notice of appointment to the owner making the requisition, who shall, at least four clear days before the time so appointed, serve upon the other owners named in the requisition a notice, Form 5, requiring their attendance at the time and place fixed by the engineer, and shall, after serving such notice, indorse on one copy thereof the time and manner of service and leave the same with the engineer not later than the day before that fixed in the notice of appointment. 2 Geo. V. c. 74, s. 14.

Notice to
all parties.

15.—(1) Notices shall be served personally or by leaving the same at the usual place of abode of the owner or occupant with a grown-up person residing there, and in case of non-residents, upon the agent of the owner or by registered post addressed to the owner at the post office nearest to his last known place of residence, and where his place of residence is not known the notice may be served in such manner as the Judge may direct.

Mode of
serving
notices.

(2) An occupant, not the owner of the land, notified in the manner provided by this Act, shall immediately notify the owner thereof, and shall, if he neglects to do so, be liable for all damages suffered by such owner by reason of such neglect. 2 Geo. V. c. 74, s. 15.

Occupant
to notify
owner.

16.—(1) The engineer shall attend at the time and place appointed by him and shall examine the locality, and if he deems it proper, or if requested by any of the owners, may examine the owners and their witnesses present and take their evidence, and may administer an oath to any owner or witness examined by him.

Examina-
tion by
engineer.

(2) If upon examining the locality the engineer is of opinion that the land of owners upon whom notice has not been served will be affected by the ditch, he shall adjourn the proceedings to a day named, and direct a notice of the adjourned

Adjournment
to serve
other
owners.

meeting similar to that required by section 14 to be served on such owners by the owner making the requisition for the purpose of allowing such owners to be present and to be heard upon the examination and taking of evidence.

Further proceedings by engineer making award.

(3) The engineer may adjourn his examination and the hearing of evidence from time to time and if he finds that the ditch is required he shall, within thirty days after his first attendance, make his award in writing, Form 6, specifying clearly the location, description and course of the ditch, its commencement and termination, apportioning the work and the furnishing of material among the lands affected and the owners thereof, according to his estimate of their respective interests in the ditch, fixing the time for performance by the respective owners, apportioning the maintenance of the ditch among all or any of the owners so that as far as practicable each owner shall maintain the portion on his own land; and stating the amount of his fees and the other charges and by whom the same shall be paid.

Time for making award not to include time required for approval by Railway Commissioners.

(4) The period prescribed for the engineer to make his award shall be exclusive of the time required to obtain the approval of the works or the specifications or plans thereof by the Ontario Railway and Municipal Board or the Board of Railway Commissioners for Canada, where such approval is necessary.

Specifying material for covering ditch.

(5) Where a ditch or any part thereof is to be covered, the engineer shall in his award specify the kind of material to be used in the covered part. 2 Geo. V. c. 74, s. 16.

Powers of engineer.

(6) The engineer and his assistants, when engaged in the performance of their duties under this Act during or after the examination of the locality, may pass over, measure along, ascertain the bearings of any line, plant stakes, take levels and do such other work as he shall deem necessary for the performance of the said work on the land of any person, doing no unnecessary damage thereto, without being guilty of trespass or otherwise incurring liability.

Penalty.

(7) Any person who interferes with or obstructs the engineer or his assistants in the exercise of the powers conferred by subsection 6 shall incur a penalty not exceeding \$100, recoverable under *The Ontario Summary Convictions Act*. 3-4 Geo. V. c. 68, s. 1.

Rev. Stat. c. 90.

Rock cutting or blasting.

(8) Where rock cutting or blasting is necessary, if the engineer is of opinion that it can be done more conveniently or less expensively by letting the work by tender or otherwise by public competition than if it were done by the owners he may by his award direct that it be so let, and in that case he shall by the award fix and determine the part or proportion of the cost of the work which each of the owners is to pay. 2 Geo. V. c. 74, s. 17.

18. If the engineer is of the opinion that the land of any owner will not be sufficiently affected by the construction of the ditch to make him liable to perform any part thereof, and that it is or is not necessary, as the case may be, to construct the ditch across or into his land, he may, by his award, relieve such owner from performing any part of the work of the ditch and may place its construction on the other owners; and any person carrying out the provisions of the award upon the land of the owner so relieved shall not be a trespasser if he causes no unnecessary damage, and he shall replace any fences opened or removed by him. 2 Geo. V. c. 74, s. 18.

Engineer may relieve person not benefited.

Power to perform work.

19.—(1) The award and any plan, profile, and specifications of the ditch shall be in as many parts as there are municipalities in which land affected by the award is situate.

Award, plan, etc.

(2) The engineer forthwith, after making the award, shall file one part thereof and of any plan, profile or specifications with the clerk of each of the municipalities, and the same may be given in evidence in any legal proceedings by a copy certified by the clerk.

Filing award, etc.

(3) The clerk, upon the filing of the award, shall notify each of the persons affected thereby within the municipality of which he is clerk, by registered letter or personal service, of the filing of the same, and the part of the work to be done and material to be furnished by the persons so notified as shown by the award, and shall keep a book in which he shall record the names of the persons to whom he sent notices, the addresses to which the same were sent, and the date upon which the same were deposited in the post office or personally served. 2 Geo. V. c. 74, s. 19.

Notice to persons affected.

20. If the land affected by the ditch is situate in two or more municipalities, the engineer of the municipality in which proceedings were commenced may continue the ditch into or through so much of the land in any other municipality as may be found necessary, but within the limit of length hereinbefore provided, and all proceedings authorized by this Act shall be taken and carried on in the municipality in which the proceedings were commenced. 2 Geo. V. c. 74, s. 20.

Powers of engineer of municipality in which proceedings commenced.

21.—(1) Any owner affected by the award, within fifteen clear days from the date of the mailing or service of the last of the notices of the filing of the award, may appeal therefrom to the Judge.

Appeals from award to County Judge.

(2) The appellant shall serve upon the clerk of the municipality in which the proceedings were commenced a notice in writing of his intention to appeal, shortly setting forth the grounds of appeal.

Notice of appeal.

Clerk to notify Judge and Judge to fix time and place for hearing.

(3) The clerk, after the expiration of the time for appeal, shall transmit by registered post or deliver a copy of the notice or notices of appeal and a certified copy of the award and the plans and specifications to the Judge, who shall forthwith, upon the receipt thereof, notify the clerk of the time he appoints for the hearing of the appeal, and shall fix the place of hearing at the town hall or other place of meeting of the council of the municipality in which the proceedings were commenced, unless, for greater convenience and to save expense, he fixes some other place.

Indemnity against costs of appeal.

(4) The Judge may order such sum to be paid by the appellant to the clerk as will be a sufficient indemnity against the costs of the appeal.

Notice to engineer and all parties.

(5) The clerk upon receiving notice from the Judge shall forthwith notify the engineer and all parties interested in the manner provided for the service of notices.

Inspection of premises by another engineer.

(6) An appellant may have the land inspected by any other engineer or person who, for such purposes, may enter upon the land, but shall do no unnecessary damage.

Clerk of the Court.

(7) The clerk to whom notice of appeal is given shall be the clerk of the court and shall record the proceedings.

Judge to hear and determine within two months.

(8) It shall be the duty of the Judge to hear and determine all the appeals within two months after receiving notice thereof from the clerk, or within such further period as, on hearing the parties, he may deem necessary, as provided by subsection 9, but no proceedings under this Act shall be rendered invalid by the failure of the Judge to hear and determine the appeal within such period.

Powers of Judge on appeal.

(9) The Judge may examine parties and witnesses on oath and may inspect the land and may require the engineer to accompany him, and may alter or affirm the award and correct any errors therein.

Costs of appeal.

(10) If the award is affirmed or altered, the costs of the appeal shall be in the discretion of the Judge; but, if set aside, he may order payment of the costs mentioned in the award, and the costs of appeal by the parties to the award, or any of them, as to him may seem just, and may fix the amount of such costs.

Depriving engineer of fees when guilty of misconduct.

(11) If the Judge finds that the engineer has knowingly and wilfully favoured any one or more of the parties to the proceedings, or has neglected his duty, he may direct that the engineer be deprived of all fees in respect to the award, or of such part thereof as the Judge may deem proper, but this shall not deprive any party to the proceedings of any remedy he may otherwise have against the engineer.

Fees and disbursements of Judge.

(12) The Judge shall be entitled to five dollars a day and necessary travelling expenses for holding a court for the

trial of appeals, including the inspection of the land, which charge shall be part of the costs of the appeal.

(13) The order of the Judge shall be filed with the clerk, and the award as altered or affirmed, and the order of the Judge as to costs, may be enforced in the same manner as the award of the engineer, and the time for the performance of the award shall be computed from the date of the judgment on the appeal. Enforcement of award as amended.

(14) The clerk shall immediately after the hearing send by registered post to the clerk of any other municipality in which land affected by the ditch is situate a certified copy of the changes, if any, made in the award by the Judge which shall be filed with the award, and each clerk shall forthwith, by registered letter, notify every owner within his municipality of any change made in the work and material assigned to such owner. Notice of changes to be given to clerk and filed with award.

(15) If the award is set aside, the clerk shall forthwith notify the fact to the clerk of every other municipality in which land affected by the award is situate. 2 Geo. V. c. 74, s. 21. Notice of setting aside.

22. No award shall be set aside for want of form only or for want of strict compliance with the provisions of this Act, and the Judge, instead of setting aside the award, may amend it or the other proceedings or may refer back the award to the engineer, with such directions as the Judge may deem necessary. 2 Geo. V. c. 74, s. 22. Judge may amend or refer back award.

23. An award shall, after the time limited for an appeal to the Judge and after the determination of appeals, if any, by him where the award is affirmed, be valid and binding, to all intents and purposes, notwithstanding any defect in form or substance either in the award or in any of the proceedings prior to the making of the award. 2 Geo. V. c. 74, s. 23. When award to be binding notwithstanding defects.

24. On an appeal from an award the Judge shall possess all such powers for compelling the attendance of and for the examination on oath of all parties and other persons as belong to or might be exercised by him in the County Court. 2 Geo. V. c. 74, s. 24. Powers of Judge as to taking evidence.

25.—(1) Upon an appeal, the clerk shall issue summonses to witnesses, upon the application of any party to the proceedings, or upon an order of the Judge for the attendance of any person as a witness before him. Clerk may issue summonses to witness.

(2) The summons shall have the same force and effect as a subpoena issued out of the County Court. Effect of summons.

(3) The fees to be allowed to witnesses shall be upon the scale of fees allowed to witnesses in an action in the Division Court. 2 Geo. V. c. 74, s. 25. Witness fees.

26.—(1) Subject to the provisions of section 27, the corporation of the municipality in which the proceedings were commenced shall within ten days after the time for appealing or after the determination of the appeals, as the case may be, pay to the engineer and to the judge and all other persons the fees, charges and costs awarded or adjudged to be paid to them, and as respects the portion thereof payable by the owners of land situate within the municipality the same shall be forthwith repaid by such owners to the treasurer of the municipality.

(2) If default is made by any owner in repaying the amount for which he is liable, the same, with seven per cent. added *pro rata*, shall form a charge on his land and may be collected in like manner as municipal taxes, and the council shall cause the same to be placed on the collector's roll and to be so collected.

(3) Where the land affected by the award is situate within two or more municipalities, the corporation of each of the said municipalities shall forthwith, after notice in writing, repay to the corporation of the municipality in which the proceedings were commenced the sums for which the owners of land within its limits are liable, and the provisions of subsection 2 shall apply in respect of the sums so repaid. 2 Geo. V. c. 74, s. 26.

27. Where the award provides for rock cutting or blasting, the engineer shall let such work by tender or otherwise by public competition, and upon completion of it shall certify, Form 8, to the clerk of the municipality in which the proceedings were commenced the cost thereof, including his fees and the expenses, and the like proceedings shall be had and the like duties be performed in respect thereof as are provided for by sections 19 and 26, which shall apply *mutatis mutandis*. 2 Geo. V. c. 74, s. 27.

28.—(1) At the expiration of the time limited by the award for the completion of the ditch, the engineer shall inspect the same, and if he finds the ditch or any part thereof not completed in accordance with the award he may let the work and supply of material to the lowest bidder who shall furnish security to the corporation, to be approved by the council, for the due performance thereof within a time to be fixed by the engineer, but the letting shall not take place:—

(a) Until notice in writing of the intended letting has been posted up for four clear days in at least three conspicuous places in the neighbourhood of the place at which the work is to be done; and

(b) Until after four days from the sending of copies of the notice by registered post to the last known addresses of the persons interested in the award

who do not reside in the municipality or municipalities as the case may be.

(2) If the engineer is satisfied of the good faith of any person failing in the performance of the award, and there is good reason for the non-performance thereof, he may, in his discretion, and upon payment of his fees and charges, extend the time for performance. Extension of time for compliance.

(3) Any owner in default who, after proceedings are begun to let the same, supplies the material and does the work, shall be liable for the fees and expenses occasioned by his default, and the same shall form a charge on his land; and, if not paid by him after notice, the council shall pay the same on the certificate of the engineer, and shall cause the amount, with seven per cent. added thereto, to be placed on the collector's roll against the land of the person in default, to be collected in the same manner as municipal taxes. Liability of person in default of doing work after proceedings begun.

(4) The engineer may let the work and supply of material directed by the agreement or award, or any part thereof, a second time or oftener if it becomes necessary in order to secure its performance and completion. 2 Geo. V. c. 74. s. 28. Power to re-let.

29.—(1) The engineer, within ten days after receipt of notice in writing of the supplying of material and completion of the work let, as in the next preceding section mentioned, shall inspect the same, and if he finds the material furnished and the work completed, shall certify the same in writing, Form 8, to the clerk of the municipality by which he was appointed. Certificates of engineer upon completion of work let.

(2) Where land situate within two or more municipalities are affected by the certificate of the engineer, the certificate shall be in as many parts as there are municipalities and one of such parts shall be transmitted by the engineer to the clerk of each of them. Where lands affected in more municipalities than one.

(3) The provisions of section 26 shall apply to the amount payable to the contractor and the fees and charges of the engineer as so certified. 2 Geo. V. c. 74, s. 29. Costs, fees and charges.

30. If an owner during or after the construction of a ditch desires to avail himself thereof for the purpose of draining land other than that contemplated by the original proceedings he may avail himself of the provisions of this Act as if he were an owner requiring the construction of a ditch, but no owner shall make use of a ditch after construction unless under an agreement or award pursuant to the provisions of this Act. 2 Geo. V. c. 74, s. 30. Owners desiring to avail themselves of ditch after construction.

31. This Act shall apply to the deepening, widening or covering of any ditch already or hereafter constructed, and the proceedings to be taken for procuring such deepening, widening or covering of ditch. Deepening, widening or covering of ditch.

widening or covering shall be the same as for the construction of a ditch, but in no case shall a ditch be covered unless when covered it will provide capacity for all the surface and other water from land and roads draining naturally towards and into it as well as for the water from all the land made liable for the construction thereof. 2 Geo. V. c. 74, s. 31.

Maintenance of ditches heretofore or hereafter constructed.

32. A ditch, whether covered or open, constructed, or any creek or watercourse that has been deepened or widened, under the provisions of any former Act respecting ditches and watercourses, or constructed, deepened, widened or covered under this Act, shall be maintained by the respective owners in such proportion as is provided in the original or any subsequent agreement or award; and the manner of enforcing the same shall be as hereinafter provided. 2 Geo. V. c. 74, s. 32.

Enforcing maintenance.

Notice to repair.

33.—(1) If an owner whose duty it is to maintain any portion of a ditch neglects to maintain the same in the manner provided by the agreement or award, any of the owners, parties to the agreement or award, whose land is affected by the ditch, may, in writing, notify the owner making default, to have his portion put in repair within thirty days from the receipt of such notice; and if the repairs are not made and completed within such thirty days, the owner giving the notice may notify the engineer in writing to inspect the portion complained of.

Proceedings thereon.

If no cause of complaint found.

(2) The inspection of the engineer and the proceedings for doing and completing the repairs required and enforcing payment of costs, fees and charges shall be as provided in the case of the non-completion of the construction of a ditch; but if the engineer finds that there is no cause for complaint he shall so certify, with the amount of his fees and charges, to the owner who complained and also to the clerk of the municipality, and such owner shall pay the fees and charges of the engineer, and if not forthwith paid the same shall be charged and collected in the same manner as is provided for in the case of other certificates of the engineer. 2 Geo. V. c. 74, s. 33.

Proceedings for deepening, etc., by owner or person interested.

34. An owner interested in or affected by a ditch heretofore or hereafter constructed which has not been constructed under any of the Acts referred to in section 32 or under this Act, or under any Act relating to the construction of drainage work by local assessment, may take proceedings for the deepening, widening, extending, covering or repairing of such ditch in the same manner as for the construction of a ditch under this Act; but the extent of the work, the cost thereof and the assessment therefor shall not exceed the limitations imposed by sections 6 and 7. 2 Geo. V. c. 74, s. 34.

35.—(1) Subject to the provisions of subsection 2, an owner, party to the agreement or award, whose land is affected by a ditch, whether constructed under this Act or any other Act respecting ditches and watercourses, at any time after the expiration of two years, or in the case of a covered drain of one year from the completion thereof, may take proceedings for the reconsideration of the agreement or award under which it was constructed and the proceedings shall be the same as are hereinbefore provided in the case of the construction of a ditch.

Reconsideration of agreement or award.

(2) If a ditch, after its construction, proves insufficient for the purposes for which it was constructed so as to cause an overflow of water upon any land along the ditch and damage to the same, any owner, party to the agreement or award, may at any time after the expiration of six months from the completion of the ditch take proceedings for the reconsideration of the agreement or award under which such ditch was constructed for the purpose of remedying the defect in that particular respect. 2 Geo. V. c. 74, s. 35.

Where ditch after construction proves insufficient.

36. An engineer who wilfully neglects to make any inspection provided for by this Act for thirty days after he has received written notice to inspect, shall incur a penalty of not less than \$5 and not more than \$10, recoverable under *The Ontario Summary Convictions Act*, and every such penalty, when recovered, shall be paid over to the treasurer of the municipality in which the inspection should have been made. 2 Geo. V. c. 74, s. 36.

Penalty for engineer failing to inspect.

Rev. Stat. c. 90.

37. No action, suit or other proceeding shall lie or be taken for a mandamus or other order to enforce or compel the performance of an agreement or award or the completion of a ditch, but the same shall be enforced in the manner provided for in this Act. 2 Geo. V. c. 74, s. 37.

Actions for mandamus, etc., not to lie.

38. It shall be the duty of the council of every municipality to keep printed copies of all the forms required by this Act. 2 Geo. V. c. 74, s. 38.

Forms to be supplied by municipality.

FORM 1.

BY-LAW FOR APPOINTMENT OF ENGINEER.

A by-law for the appointment of an engineer under *The Ditches and Watercourses Act*.

Finally passed , 19 .

The municipal council of the of in the county (or district) of enacts as follows:

1. Pursuant to the provisions of *The Ditches and Watercourses Act*, (name of person) of the of , in the of , is appointed engineer for this municipality to carry out the provisions of the said Act.

2. The engineer shall be paid the following fees for services rendered under the Act (or as the case may be).

Reeve.

Clerk.

[L.S.]

2 Geo. V. c. 74, Sched. Form 1.

FORM 2.

NOTICE TO OWNERS OF LAND AFFECTED BY PROPOSED DITCH.

To

Sir,

I am the owner of lot (*describing it*) and as such owner I require a ditch to be constructed under *The Ditches and Watercourses Act*, to drain it (or if for reconsideration of agreement or ~~agreed or to deepen, widen, cover or otherwise improve the ditch, state the object~~). The following other land will be affected: (*here set out the other parcels of land, lot, concession or street and township or other local municipality, and the name of the owner in each case; also each road and the municipal corporation controlling it*).

I hereby request you, as owner of (*state his land*), to attend at (*state place of meeting*), on the day of , 19 , at the hour of o'clock in the noon, with the object of agreeing on the respective portions of the work and materials to be done and furnished by the several owners interested and the several portions of the ditch to be maintained by them.

Dated day of , 19 .

Yours, etc.,
(Name of Owner).

2 Geo. V. c. 74, Sched. Form 2.

FORM 3.

AGREEMENT BY OWNERS.

Whereas it is found necessary that a ditch should be constructed (or deepened, or widened, or otherwise improved) under the provisions of *The Ditches and Watercourses Act*, for the draining of the following land (and roads if any): (*here describe each parcel and give name of owner as in the notice, including the applicant's own land, stating lot, concession or street, and township or other local municipality, and also roads and by whom controlled.*)

Therefore we the owners within the meaning of the said Act of the said (*and if roads and* the reeve of the said municipality on behalf of the council thereof) do agree each with the other as follows: That a ditch be constructed (*or as the case may be*) and we do hereby estimate the cost thereof at the sum of \$, and the ditch shall be of the following description: (*here give point of commencement, course and termination, its depth, bottom and top width and other particulars as agreed upon, also any bridges, culverts or catch-basins, etc., required.*) I , owner of (*describe his land*) agree to (*here give portion of work to be done, or material to be supplied*), and to complete the performance thereof on or before the day of , 19 , I, owner of, etc., (*as above, to the end of the ditch.*)

That the ditch when constructed shall be maintained as follows: I, , owner of (*describe his lands*) agree to maintain the portion of the ditch from (*fix the point of commencement*) to (*fix the point of termination of his portion*), I , owner of (*describe his land*) agree to maintain, etc., (*as above to the end of the ditch.*)

Dated day of , 19 .

Signed in the presence of

(*Signature of parties.*)

2 Geo. V. c. 74, Sched. Form 3.

FORM 4.

REQUISITION FOR EXAMINATION BY ENGINEER.

To (*name of clerk*),
Clerk of
(*P.O. address*).

Sir,—I am, within the meaning of *The Ditches and Watercourses Act*, the owner of lot (*describing it*) and I require the construction (*or deepening, widening, covering or otherwise improving as the case may be*), of a ditch under the provisions of the said Act, and the following land and roads will be affected: (*here describe each parcel to be affected as in the notice for the meeting to agree and state the name of the owner thereof*), and the said owners having met and failed to agree in regard to the same, I request that the engineer appointed by the municipality be requested to appoint a time and place at which he will attend and examine the premises, hear any evidence of the parties and their witnesses, and make his award.

Dated day of , 19 .

(*Signature of the party or parties.*)

2 Geo. V. c. 74, Sched. Form 4.

FORM 5.

NOTICE OF APPOINTMENT FOR EXAMINATION BY ENGINEER.

To (name of owner).

(P.O. address).

Sir,—You are hereby notified that the engineer appointed by the municipality for the purpose of *The Ditches and Watercourses Act*, has, in answer to my requisition, fixed the hour of o'clock in the noon of , the day of

19 , to attend at (name the place appointed), and to examine the premises and site of the ditch required by me to be constructed (or as the case may be), under the provisions of the said Act, and you, as the owner of land affected, are required to attend with any witnesses that you may desire to have heard, at the said time and place.

Dated day of , 19 .

Yours, etc.,

(Signature of applicant.)

2 Geo. V. c. 74, Sched. Form 5.

FORM 6.

AWARD OF ENGINEER.

I, , the engineer appointed by the council of the municipality of the of in the county (or district) of , under the provisions of *The Ditches and Watercourses Act*, having been required so to do by the requisition of , owner of lot (describe as in requisition), filed with the clerk of the said municipality and representing that he requires certain work to be done under the provisions of the said Act for the draining of the said land, and that the following other land (and roads) will be affected:—
(here set out the other parcels of land or roads affected as in the requisition), did attend at the time and place named in my notice in answer to said requisition, and having examined the locality (and the parties and their witnesses if such be the case) find that the ditch (or the deepening, widening, covering or otherwise improving of a ditch) is required. The location, description and course of the ditch, and its point of commencement and termination are as follows:

(Here describe the ditch as to all above particulars.)

The said works will affect the following land:—(here set forth the other land and the respective owners.) I do, therefore, award and apportion the work and the furnishing of material among the land affected and the owners thereof according to my estimate of their respective interests in the said works as follows:—

1. (Name of owner and description of his land) shall make and complete (here fix the point of commencement and ending of his portion) and shall furnish the material (state what material), all of which, according to my estimate, will amount in value to \$, and I fix the time for the completion of such work and providing such material on the day of 19 , at furthest.

2. (Name of owner and description of his land, and so on as above to the end.)

I do further award and apportion the maintenance of the ditch as follows:—

1. (Name of owner and description of his land) shall maintain (here fix the points of commencement and ending of his portion.)

2. (Name of owner, etc., as above.)

(When rock drilling or blasting is directed add particulars required by section 17.)

The fees and the other charges attendant upon and for making this award are (*here give fees and other charges, including clerk's fees in detail*), amounting in all to \$. , which shall be borne and paid as follows:—(*state by whom and by what land respectively.*)

Dated the _____ day of _____, 19____.

Witness, _____ (Signature of Engineer.)

2 Geo. V. c. 74, Sched. Form 6.

FORM 7.

CERTIFICATE OF ENGINEER.

(Default of Owner.)

To

Clerk of the _____ of _____

I hereby certify that _____ has furnished the material and completed the work (as the case may be) which under my award made under *The Ditches and Watercourses Act*, and dated the _____ day of _____, 19____, _____ owner of lot number (describe his land, giving township or otherwise), was adjudged to perform, and having failed in the performance of the same it was subsequently let by me to the said _____ for the sum of \$ _____, and as he has now completed the performance thereof he is entitled to be paid the said amount.

I further certify that my fees and charges for my services rendered necessary by reason of such failure to perform are (stating items) \$ _____, and said amount payable to the said contractor and the said fees and charges are chargeable on (describe property to be charged therewith) _____ under the said Act, unless forthwith paid.

Dated the _____ day of _____, 19 ____.

(Signature of Engineer.)
Engineer for

2 Geo. V. c. 74, Sched. Form 7.

FORM 8.

CERTIFICATE OF ENGINEER.

(Rock-cutting or Blasting.)

To

Clerk of the of

I hereby certify that the rock-cutting and blasting provided for by my award made under *The Ditches and Watercourses Act*, and dated the _____ day of _____, 19____, was let to _____ for the sum of \$ _____, and he has completed the work and is entitled to be paid that sum, and that my fees and charges (*stating items*) are \$ _____.

Dated the day of , 19 .

(Signature of Engineer.)
Engineer for

2 Geo. V. c. 74, Sched. Form 8.

11. INTERMENT OF THE DEAD.

CHAPTER 261.

An Act respecting Cemeteries and the Interment of the Dead.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

INTRODUCTORY.

1. This Act may be cited as *The Cemetery Act*. 3-4 Geo. V. c. 56, s. 1.

Interpreta-
tion.

2. In this Act,

"Cemetery"

(a) "Cemetery" shall mean and include any land which is set apart or used as a place for the interment of the dead or in which human bodies have been buried;

"Local Board"

(b) "Local Board" shall mean the local board of health of a municipality in which it is proposed to establish or in which there is a cemetery;

"Owner"

(c) "Owner" shall mean the person owning, controlling or managing a cemetery;

"Provincial Board"

(d) "Provincial Board" shall mean the Provincial Board of Health;

"Regulations"

(e) "Regulations" shall mean regulations made by the Provincial Board under the authority of this Act. 3-4 Geo. V. c. 56, s. 2.

PART I.

PROVISIONS APPLICABLE TO ALL CEMETERIES.

ESTABLISHMENT AND ENLARGEMENT OF CEMETERIES.

Approval
of Provincial
Board.

3. No cemetery shall be established or enlarged until the approval of the Provincial Board has been applied for and obtained in the manner hereinafter provided. 3-4 Geo. V. c. 56, s. 3.

4. An application for such approval shall be made in writing to the local board, and the applicant shall submit therewith a detailed plan and description in duplicate of the land proposed to be acquired or used for cemetery purposes together with such other information as the Regulations may require. 3-4 Geo. V. c. 56, s. 4.

5. The application and one of the duplicates of the plan and description of the land and all other material filed with the application shall be transmitted to the Provincial Board, together with a statement of the opinion of the local board thereon. 3-4 Geo. V. c. 56, s. 5.

6.—(1) The approval of the Provincial Board shall be by order in writing signed by the chairman and secretary, and shall contain a sufficient description of the cemetery proposed to be established or of the land which is to be annexed to the existing cemetery.

(2) The order may be registered in the proper registry or land titles office, and upon its registration the cemetery may be established or enlarged as the order may direct. 3-4 Geo. V. c. 56, s. 6.

7. Any person who establishes a cemetery and uses it, or enlarges any cemetery, without the approval of the Provincial Board shall incur a penalty of not less than \$100 nor more than \$500. 3-4 Geo. V. c. 56, s. 7.

8. The expenses of the Provincial Board shall be paid by the applicant. 3-4 Geo. V. c. 56, s. 8.

POWERS OF BOARDS AND OFFICERS.

9. The Provincial Board may make Regulations in the manner provided by *The Public Health Act* respecting cemeteries, and may impose penalties for the contravention thereof and such regulations may be general in their application or may upon the recommendation of any local board be varied as to any cemetery within its jurisdiction. 3-4 Geo. V. c. 56, s. 9.

10. The medical officer of health or sanitary inspector or any officer of the local board may at any time enter into and upon any cemetery within the limits of the municipality and examine and enquire into the condition of the cemetery and whether the provisions of this Act and of the Regulations are observed. 3-4 Geo. V. c. 56, s. 10.

POWERS AND DUTIES OF OWNERS.

11. All lots or plots in a cemetery when numbered and conveyed as burial sites or lots shall be indivisible, but may afterwards be held and owned in undivided shares. 3-4 Geo. V. c. 56, s. 11.

No
registration.
Exemption
from
process.

12. When a lot has been sold for a burial site it shall not be necessary to register the conveyance, nor shall it be affected by any judgment, execution, mortgage or incumbrance. 3-4 Geo. V. c. 56, s. 12.

Repurchase
ing lots.

13. The owner of a cemetery may repurchase any lot previously sold or conveyed. 3-4 Geo. V. c. 56, s. 13.

May accept
devises,
gifts, etc

14.—(1) The owner may take and hold by grant, assignment, devise, bequest or otherwise any money or securities and apply the same in preserving, improving and embellishing the cemetery, upon the condition and in consideration of assuming and undertaking the duty and obligation of preserving and maintaining in a proper manner in perpetuity any particular lot, tomb, monument or enclosure in such cemetery or in any other cemetery or burying ground in the same municipality or in any other municipality in the same county or district; and any person may make such grant, assignment, devise or bequest upon such condition and for such consideration.

Taking lots
in cemetery
by grant
or devise.

(2) The owner may also take and hold by grant, assignment or devise from the owner thereof any lot in the cemetery for the purpose of maintaining the same in perpetuity or otherwise in the manner and subject to the provisions of the instrument of grant, assignment or devise.

May agree
to keep lots,
etc., in good
condition.

(3) The owner may agree to preserve and maintain in a proper manner in perpetuity the particular lot, tomb, monument or enclosure in any cemetery designated in such grant, assignment, devise, bequest or agreement.

May, upon
bequest,

15. Personal representatives or trustees may pay over and transfer money or securities in their hands which they are authorized or directed to apply for or toward the purposes mentioned in this section.

Investment
of funds.

(6) For the purpose of securing the due performance of such agreement the owner may invest the money received under the agreement in the same manner as trustees are authorized to invest trust money and out of the income of such investment perform his obligations under the agreement. 3-4 Geo. V. c. 56, s. 14.

Power to
acquire
additional
lands, etc.

15.—(1) If additional land is required for the enlargement of a cemetery and the council of the municipality in which the land is situate by by-law declares that in the opinion of the council the owner should, for that purpose, have power to expropriate any adjacent land described in the by-law, and if the Provincial Board certifies that in its opinion the proposed enlargement is for the public advantage and convenience and ought to be permitted, the owner, upon registering the by-law and certificate in the proper registry or land titles office, shall, in respect of the land described in the by-law, possess

the powers conferred upon the council of a local municipality ^{Rev. Stat. c. 192.}
by *The Municipal Act*.

(2) Where the owner not being a municipal corporation ^{How proceedings to be instituted.}
desires to proceed under this section proceedings for expropriation may be initiated by notice. 3-4 Geo. V. c. 56, s. 15.

16. Subject to the provisions of this Act and to the Regulations the owner may make regulations for the laying out and selling lots and managing the cemetery, for regulating burials therein, the removal of bodies therefrom, the erection or removal of tombs, monuments, gravestones, vaults, copings, fences, hedges or other permanent improvements therein, the planting, placing and removal of trees, shrubs and plants in the grounds, and otherwise generally respecting the use of the grounds, and for the execution of conveyances of lots or plots in the cemetery. 3-4 Geo. V. c. 56, s. 16. ^{Powers to make regulations.}

17. The owner may borrow money for the purpose of making roads in the cemetery and for laying out and improving the same, and for that purpose may mortgage all his estate, right and interest in the cemetery; but nothing herein shall authorize the mortgagee or anyone claiming under him to use or deal with the cemetery in a manner inconsistent with the continued use of it as a cemetery or inconsistent with any provision in this Act for the preservation and protection of the same for cemetery purposes. 3-4 Geo. V. c. 56, s. 17. ^{Power to borrow.}

18.—(1) The owner of every cemetery shall ^{Duty of owner.}

(a) keep and maintain fences about the cemetery sufficient to prevent dogs, cattle or other animals from straying therein; ^{Maintain fences.}

(b) keep the cemetery and the buildings and fences thereof in good order and repair; ^{Keeping in good order.}

(c) see that all burials within the cemetery are conducted in a decent and orderly manner, and that quiet and good order are at all times maintained therein; ^{Conduct of burials.}

(2) When there is no person resident in the municipality in which a cemetery is situate in charge of it the cemetery shall be deemed non-resident land within the meaning of *The Noxious Weeds Act*. ^{Weeds. Rev. Stat. c. 253.}

(3) For every default in complying with subsection 1 the owner shall incur a penalty not exceeding \$10, and after conviction thereof shall incur a further penalty of \$5 for every day during which such default continues. 3-4 Geo. V. c. 56, s. 18. ^{Penalty.}

19. Every owner of a cemetery shall make all necessary sewers and drains in and about the cemetery for draining it and keeping it dry; and may whenever necessary connect any ^{Sewers and drains.}

such sewer or drain with an existing sewer with the consent in writing of the municipal corporation or other body or the person owning or controlling the highway, lane or other public communication, or the land of which any part is to be opened up for that purpose, doing as little damage as possible and restoring the same to as good condition as before the opening was made. 3-4 Geo. V. c. 56, s. 19.

No offensive matter, to be allowed into rivers, etc.

20.—(1) The owner of a cemetery shall not cause or suffer any offensive matter from the cemetery to be brought to or flow into any river, spring, well, stream, canal, reservoir, aqueduct, pond or watering place.

Penalty.

(2) For every contravention of subsection 1 the owner shall incur a penalty of not more than \$50, and in addition shall be liable for any damages caused thereby to any person having a right to use such water. 3-4 Geo. V. c. 56, s. 20.

Liability for damages.

Interments not to be within 15 feet of church walls, etc.

21.—(1) The owner of a cemetery shall not cause or suffer any dead body to be interred in a vault or otherwise under or within fifteen feet of the outer wall of any church, chapel or other building in the cemetery.

Penalty.

(2) For every contravention of subsection 1 the owner shall incur a penalty of not more than \$50. 3-4 Geo. V. c. 56, s. 21.

Owner's name to be recorded.

22.—(1) The owner of a cemetery shall not permit any burial therein until he has been registered with the Registrar-General, through the Division Registrar of the municipality in which such cemetery is situate, as the owner of the cemetery.

Penalty.

(2) For every contravention of subsection 1 the owner shall incur a penalty of not more than \$50. 3-4 Geo. V. c. 56, s. 22.

Default of owner.

23. Where the owner of a cemetery neglects to keep it in good order or to erect or maintain fences as required by this Act, the Provincial Board may give notice to him to do so, specifying in the notice what he is required to do, and if such owner does not within one month after the notice comply with the requirements of it the Provincial Board may cause what should have been done by him to be done at his expense, and may levy the cost thereof by distress and sale of the owner's goods and chattels, or may maintain an action for the recovery thereof. 3-4 Geo. V. c. 56, s. 23.

Absence or inability of owner.

24. Where the owner of a cemetery cannot be found or is unknown, or is unable to maintain it, the council of the local municipality in which the cemetery is situate may undertake the duty of maintaining it, and where a council so undertakes the corporation shall for the purposes of this Act be deemed to be the owner of the cemetery. 3-4 Geo. V. c. 56, s. 24.

25. Where the owner of a cemetery is an incorporated company or a municipal corporation it shall provide graves for strangers and for the indigent free of charge, but an incorporated company shall not be bound to do so in the case of an indigent except upon the certificate of a member of the council of the municipality or of a minister or clergyman that the relatives of the deceased are poor and cannot afford to purchase a lot in the cemetery. 3-4 Geo. V. c. 56, s. 25.

Graves to be provided for strangers and indigents free of charge.

SHAREHOLDERS IN CEMETERY COMPANIES.

26. The owner of a lot containing not less than one hundred superficial feet, who has paid not less than twenty-five per centum of the price of the lot, shall be deemed a shareholder in any company which is the owner of the cemetery; and every such lot shall be deemed a share in the company. 3-4 Geo. V. c. 56, s. 26.

Lots to contain not less than 100 superficial feet.

INTERMENT AND REMOVAL OF REMAINS.

27.—(1) The dead body of a person who has died of small-pox, scarlet fever, measles, diphtheria, croup, bubonic plague, cholera, epidemic cerebro spinal meningitis, or epidemic anterior poliomyelitis shall not be disinterred, except for the purpose of transportation or re-interment and in conformity with the Regulations.

Disinterment in case of certain contagious diseases.

(2) No such dead body shall be transported by railway, steam or other vessel, or other public conveyance unless prepared in the manner provided by the Regulations, and enclosed in a hermetically sealed coffin which shall not be subsequently opened. 3-4 Geo. V. c. 56, s. 27.

Transport of dead body by railway, etc.

28.—(1) No dead body shall at any time be disinterred or removed from any grave, place of burial or vault, other than a receiving vault, except under and subject to the Regulations and under the personal supervision and direction of the medical officer of health.

Disinterment of dead body.

(2) The certificate of the medical officer of health that the provisions of this Act and of the Regulations have been complied with shall be affixed to the coffin or other receptacle containing the dead body before its removal from the cemetery.

Certificate of Medical Officer of Health.

(3) Every person who disinters or removes from any such grave, place of burial or vault any dead body except as hereinbefore provided, and every person who conveys or transports any such body in contravention of the provisions of this Act shall incur a penalty of \$100. 3-4 Geo. V. c. 56, s. 28.

Penalty.

29. Every human body interred in a cemetery, which is not placed or buried in a private vault so constructed as to prevent the escape of noxious or unhealthy gases therefrom, shall be buried so that the outside cover or shell of the coffin

Precautions to prevent escape of noxious or unhealthy gases.

or other receptacle shall be at least four feet beneath the natural surface of the ground, and the coffin or other receptacle shall be immediately covered with at least four feet of earth. 3-4 Geo. V. c. 56, s. 29.

Order for
disinter-
ment by

30.—(1) Notwithstanding anything herein contained, where it is deemed necessary to disinter any dead body for the purpose of a judicial proceeding, the court in which the proceeding is pending may direct its disinterment under and subject to such conditions as to reinterment as may be deemed proper.

Order
by the
Attorney
General.

(2) Where the Attorney General deems it expedient for the purpose of an enquiry as to the cause of death or for the purpose of any criminal proceeding that a body should be disinterred he may exercise the powers mentioned in subsection 1. 3-4 Geo. V. c. 56, s. 30.

Disinter-
ment for
inquest.

31. Nothing in this Act shall prevent the disinterment of a dead body where a coroner has issued his warrant for the holding of an inquest thereon. 3-4 Geo. V. c. 56, s. 31.

CLOSING CEMETERIES.

Closing
cemetery
for defect-
ive drain-
age, etc.

32. Where the Provincial Board reports in writing that a cemetery is so situated that, owing to the want of proper facilities for drainage or from any other cause, the same has become or is likely to become dangerous to the health of the inhabitants of the locality the Lieutenant-Governor in Council may by proclamation declare that the cemetery shall be closed and that no further interments shall take place therein. 3-4 Geo. V. c. 56, s. 32.

33.—(1) Whenever

Removal
of bodies
and re-in-
terment in
another
cemetery.

(a) a cemetery has been closed by proclamation of the Lieutenant-Governor in Council as hereinbefore provided; or

(b) the owner of a cemetery establishes to the satisfaction of the Lieutenant-Governor in Council that it is expedient that the bodies therein should be removed therefrom,

the Lieutenant-Governor in Council may direct such removal in the manner and according to the procedure provided by this section.

Notice of
application.

(2) Before the application for an order under clause b of subsection 1 is granted the owner shall give notice of the application once a week for four successive weeks in the *Ontario Gazette* and in a newspaper published in the local municipality in which the cemetery is situate, or if there is no such newspaper then in a newspaper published in the county or district town, and by registered letter addressed

to every plot owner in the cemetery whose address is known or can be ascertained by the owner.

(3) After the making of the order the owner shall forthwith give notice thereof by publication once a week for at least two successive weeks in the *Ontario Gazette* and in a newspaper published in the local municipality in which the cemetery is situate, or if there is no such newspaper then in a newspaper in the county or district town, and that he will, at the expiration of thirty days from the publication of the last of such notices, disinter and remove such bodies and reinter them in the place described in the notice which shall be in some cemetery in the same or in an adjacent municipality.

Notice of order to be published.

(4) At the expiration of the time fixed by such notice any bodies not removed by the relatives or friends of the deceased may be removed by the owner at his own expense, and when removed may be reinterred by him in the cemetery mentioned in the notice.

When may be removed.

(5) The provisions of sections 27, 28 and 29 shall apply to such disinterment, removal and reinterment.

When ss. 28, 29, and 30 to apply.

(6) The owner shall remove all monuments or headstones or other stones marking the graves in which bodies so removed are buried, and shall re-erect or replace them in the cemetery to which such bodies are removed.

Removal and re-erection of monuments, etc.

(7) If and when the owner satisfies a Judge of the County or District Court of the county or district that he has removed from the cemetery and reinterred as hereinbefore provided all the remains which with the exercise of reasonable diligence he has been able to find buried in such cemetery, the Judge may certify that the provisions of this section have been complied with and such certificate may be registered in the proper registry or land titles office on the production thereof.

Certificate of county or district judge as to removal and registration of.

(8) The certificate when so registered shall be conclusive evidence that the owner has removed from the land therein described all the remains there buried; and thereafter such land shall not be deemed a cemetery within the meaning of this Act but may be sold, leased or otherwise disposed of and dealt with by the owner as if it had not been a cemetery.

Effect of certificate.

3-4 Geo. V. c. 56, s. 33.

MISCONDUCT IN CEMETERY.

34.—(1) No person shall

Prohibitions.

(a) wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure placed in a cemetery, or any fence railing or other work for the protection or ornament of a cemetery, or of any such tomb, monument, gravestone or other structure or of any lot within a cemetery; or

Injuring property.

Idem.	(b) wilfully destroy, cut, break, or injure any tree, shrub or plant in a cemetery; or wilfully injure, destroy or deface any building or structure or any road, walk or other works in the cemetery;
Playing games, etc.	(c) play at any game or sport in a cemetery; or
Discharging firearms.	(d) discharge firearms in a cemetery except at a military funeral; or
Disturbing funerals.	(e) wilfully and unlawfully disturb persons assembled for the purpose of burying a body therein; or
Committing nuisance.	(f) commit a nuisance in a cemetery.
Penalty.	(2) Every person who contravenes the provisions of subsection 1 shall incur a penalty of not less than \$4 nor more than \$40.
Animals.	(3) No person shall bring any dog, goat, or cattle within the limits of a cemetery, and every person so doing shall incur a penalty of not more than \$20.
Liability to action.	(4) Every person who contravenes subsection 1 or subsection 3 shall also be liable in an action in the name of the owner of such cemetery or of a burial plot upon which such damage is done or other unlawful act committed to pay all damages occasioned by his unlawful act, and when recovered the same shall be applied under the direction of the owner of the cemetery for the reparation and reconstruction of the property destroyed. 3-4 Geo. V. c. 56, s. 34.

RECOVERY OF PENALTIES.

Recovery of penalties. Rev. Stat. c. 60.	35. The penalties provided by this Part shall be recoverable under <i>The Ontario Summary Convictions Act</i> . 3-4 Geo. V. c. 56, s. 35.
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PART II.

POWERS OF MUNICIPAL CORPORATIONS.

By-laws.	36.—(1) Subject to the provisions of Part I and to the Regulations the council of every local municipality and the trustees of every police village may pass by-laws for
For making annual grants, etc.	(a) making an annual or other grant of money to the owner of a cemetery situate in the municipality or the police village, or in any adjacent municipality or police village;
Regulating funerals, etc.	(b) regulating funerals and the interment of the dead;
For acquiring land.	(c) acquiring land in the municipality or in the police village or in an adjacent township for a cemetery, or for the enlargement of an existing cemetery of which the corporation is the owner;

(d) for selling or leasing portions of such land for the purpose of interment in family vaults or otherwise, and fixing the terms on which the same shall be conveyed or leased and held; For selling plots, etc.

(e) for the maintenance, management, regulation and control of any cemetery which is owned by the corporation or the trustees whether situate within or without the municipality or police village. For maintenance, regulation and control of cemetery.
3-4 Geo. V. c. 56, s. 36.

37. The council of every urban municipality and the trustees of every police village may pass by-laws for prohibiting the interment of the dead within the municipality or police village. By-laws prohibiting the interment of the dead.
3-4 Geo. V. c. 56, s. 37.

38. The owner of any existing cemetery or of any land held for cemetery purposes may sell or transfer the same to any municipal corporation, or the trustees of any police village, and if the land has not been used for burial purposes the corporation may sell the same and acquire other land in lieu of it. Power to sell to municipal corporation.
3-4 Geo. V. c. 56, s. 38.

PART III.

TRUSTEES OF CEMETERIES.

39.—(1) Where the inhabitants of a township or part of a township to the number of ten or more desire to take a conveyance of land for a cemetery not for the exclusive use of any particular religious body, they may appoint trustees to whom and their successors, appointed in the manner provided by the conveyance the land may be conveyed. When lands for cemetery may be vested in trustees.

(2) Such trustees and their successors in perpetual succession, by the name expressed in the conveyance, may take, hold and possess the land in trust for the uses and purposes mentioned therein and may maintain and defend actions for the protection thereof and of their property therein. Trustees to hold in perpetual succession.

(3) There shall not be held in trust under any such conveyance more than ten acres. Limitation to 10 acres.
3-4 Geo. V. c. 56, s. 39.

40. Where land has been set apart or sold for cemetery purposes and used as a cemetery and no provision has been made for the appointment of trustees of such cemetery, or where there is no person upon whom the duty of taking care of and maintaining a cemetery rests, the owners of plots therein may elect trustees in the manner hereinafter provided. Election of trustees when no other provision made.
3-4 Geo. V. c. 56, s. 40.

41.—(1) Three or more of such owners may call a meeting for the purpose of electing trustees by notice, Form 1, to be published once a week for two successive weeks in a news- For calling meeting.

paper published in the local municipality in which the cemetery is situate, or if no newspaper is published in the local municipality then in the newspaper published nearest to the local municipality.

(2) The date of the meeting shall be not less than two weeks from the date of the last publication of such notice. 3-4 Geo. V. c. 56, s. 41.

42.—(1) At the time and place named in the notice the plot owners present shall elect from among themselves some person to act as chairman, and shall also elect some person to act as secretary for the meeting.

(2) After the election of the chairman and secretary the members present shall elect from among the plot owners three persons to be trustees of the cemetery. 3-4 Geo. V. c. 56, s. 42.

Certificate
of election.

43.—(1) After the election of the trustees the chairman and secretary shall certify as to such election, Form 2.

Certificate
of election
of trustees.
Form 2.
121

(2) The certificate shall be in triplicate, and one of such triplicates with an affidavit of execution thereof in the form prescribed by *The Registry Act* shall be registered in the proper registry or land titles office, and one of such triplicates shall be filed with the clerk of the local municipality in which the cemetery is situate, and one of such triplicates shall be delivered to the trustees. 3-4 Geo. V. c. 56, s. 43.

Certificate
of election
of trustees.
Form 2.
121

44.—(1) Upon the registration of the certificate the cemetery shall be vested in the trustees so appointed and their successors subject to the provisions of any deed or other instrument selling it apart for cemetery purposes or conveying the same or any plot therein for cemetery purposes, and subject to the rights of any person who may have theretofore purchased plots in such cemetery and to the provisions of this Act.

Trustees
of cemetery.
Form 3.
121

(2) The trustees elected and their successors shall be deemed to be the owners of the cemetery within the meaning of this Act. 3-4 Geo. V. c. 56, s. 44.

Certificate
of election
of trustees.
Form 2.
121

45. Whenever a vacancy occurs in the office of trustee, whether originally elected or elected to fill a vacancy, his successor shall be elected, and his election shall be certified and the certificate shall be registered in the manner hereinbefore provided in the case of a first election of trustees. 3-4 Geo. V. c. 56, s. 45.

Trustees and
successors
of adjoining
cemeteries.
Form 4.
121

46.—(1) Where adjoining cemeteries are owned by separate boards of trustees or companies they may appoint trustees to whom and to their successors, appointed in the manner provided by the conveyance, all or any of the land vested in the appointing bodies may be conveyed, and the same may

be conveyed accordingly and the trustees appointed by such conveyance and their successors in perpetual succession, by the name expressed in the conveyance, may take, hold and possess the land thereby or thereafter conveyed to them as a site for a cemetery or for the enlargement of an existing cemetery, and maintain and defend actions for the protection thereof and of their property therein.

(2) Instead of appointing trustees as provided by subsection 1 the cemeteries may be conveyed to and vested in the company or in one of the companies upon such trusts, if any, as the appointing bodies may deem proper. 3-4 Geo. V. c. 56, s. 46.

And convey cemeteries to board.

SCHEDULE.

FORM 1.

(Section 41.)

Take notice that a meeting will be held at (naming a place in the local municipality in which the cemetery is situate) at in the of on the day of 19 , at the hour of o'clock in the noon, for the purpose of electing trustees for the cemetery (here insert description of land sufficient for the purpose of registration and name or designation, if any, of the cemetery). The owners of plots are requested to attend the meeting.

Dated at the day of , 19 , A.B., C.D., E.F., Plot Owners.

3-4 Geo. V. Schedule, Form 1.

FORM 2.

(Section 43.)

We hereby certify that at a meeting of the owners of plots in the cemetery, (here insert description of land sufficient for the purpose of registration and the name or designation, if any, of the cemetery). of , held pursuant to the provisions of The Cemetery Act, at on the day of , 19 , the following persons were elected trustees of the cemetery:

A.B., of
C.D., of
E.F., of

(insert place of residence and occupation of each trustee.)

Witness: Chairman.
Secretary.

12. PROTECTION OF GAME, &c.

CHAPTER 262.

An Act respecting the Game, Fur-bearing Animals and Fisheries of Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PART I.

INTERPRETATION AND GENERAL PROVISIONS.

- 1.** This Act may be cited as *The Ontario Game and Fisheries Act*. 3-4 Geo. V. c. 69, s. 1.
- 2.** This Act and the Regulations shall apply to all game hunting, shooting, fish, fisheries, fishing and all rights and matters relating thereto. 3-4 Geo. V. c. 69, s. 2.
- 3.** In this Act and in the Regulations:
- (a) "Angling" shall mean the taking of fish with hook and line held in the hand, or with hook and line and rod, the latter held in the hand, but shall not include set lines;
 - (b) "Bass" shall mean and include the species ordinarily known and described as "large-mouthed bass" and "small-mouthed bass;"
 - (c) "Close season" shall mean the period during which any species of game or fish is protected by this Act or the Regulations or by the laws and regulations of the Dominion of Canada;
 - (d) "Fishery" shall mean and include the stretch of water, locality, premises, place or station described in the regulations, or in a lease or license, in or from which fish may be taken, and all nets, plant and appliances used in connection therewith;
 - (e) "Game" shall mean and include all animals and birds protected by this Act or by the Regulations and the heads, skins and every part of such animals and birds;

- (f) "Lease" shall mean an instrument issued under the ^{"Lease."} authority of this Act and of the Regulations conferring upon the lessee, for purposes of fishing, the rights therein mentioned, subject to the conditions, restrictions and limitations therein and in this Act and the Regulations contained;
- (g) "License" shall mean an instrument issued under ^{"License."} the authority of this Act and of the Regulations conferring upon the licensee the right to do the things therein mentioned, subject to such conditions, restrictions and limitations as are therein and in this Act and the Regulations contained; but no license shall be deemed to be or to operate as a demise or lease;
- (h) "Minister" shall mean the member of the Executive ^{"Minister."} Council for the time being charged with the administration of this Act;
- (i) "Northern District" shall mean that part of On- ^{"Northern District."} tario lying northerly and westerly of the lines of the Canadian Pacific Railway Company described as follows: Commencing where the main line of the railway from Montreal to Toronto enters Ontario, thence following the main line along the southerly extension thereof, now under construction, thence following the line of railway to the City of Guelph, and thence following the line of the Guelph and Goderich Railway Company to the Town of Goderich;
- (j) "Open season" shall mean the period during which ^{"Open season."} any species of game or fish is permitted to be hunted, taken, killed, sold or possessed by this Act or the Regulations, or by the laws and regulations of the Dominion of Canada;
- (k) "Overseer" shall mean and include a game and ^{"Overseer."} fishery overseer and any officer or person authorized to assist in the enforcement of this Act and the Regulations;
- (l) "Regulations" shall mean the regulations made by ^{"Regulations."} the Lieutenant-Governor in Council under the authority of this Act;
- (m) "Southern District" shall mean that part of On- ^{"Southern District."} tario lying to the south of the Northern District;
- (n) "Superintendent" shall mean the chief officer in ^{"Superintendent."} charge of the Game and Fisheries Branch of the Public Service. 3-4 Geo. V. c. 69, s. 3.

4.—(1) The Lieutenant-Governor in Council may make ^{Regulations.} regulations:

Custody of
archives and
records.

(a) for making, keeping, searching for, obtaining and taking over all archives, records, books, regulations, orders in council, documents and accounts in the custody of the Government of the Dominion of Canada or of the Government of Ontario, or otherwise existing, in any way relating to the game or fisheries of Ontario;

Records,
archives,
books,
documents
and accounts.

(b) providing that every person holding any lease or license issued under this Act, and all fish companies and fish dealers shall keep such records and make such reports and returns as may be prescribed;

Other pro-
visions.

(c) containing such further and other provisions as may be deemed necessary or desirable for the administration and enforcement of this Act and of the Regulations.

Publication.

(2) The Regulations shall come into force upon publication thereof in the *Ontario Gazette*, or upon such later date as may be therein stated. 3-4 Geo. V. c. 69, s. 4.

Administra-
tion.

5.—(1) The administration of this Act and of all matters relating to fish and game shall be under the control and direction of the Minister and shall constitute a branch of the Public Service to be known as the Game and Fisheries Branch.

Remuneration
of officers
and
men.

(2) The remuneration of all officers of the Game and Fisheries Branch and of all other persons employed to perform any duty in connection therewith, or to assist in the enforcement of this Act and of the Regulations, and all expenses incident to the due enforcement thereof, shall be paid out of such money as may be appropriated for that purpose by this Legislature. 3-4 Geo. V. c. 69, s. 5.

Exclusive
right to fish
in navigable
waters may
be expressed
thereof.

6. The grant by patent, issued before or after the passing of this Act, of the bed of any navigable water or of any lake or river shall not, unless such exclusive right of fishing is expressly granted by such patent, be deemed to carry or include the exclusive right of fishing in the water which covers or flows over the land so granted. 3-4 Geo. V. c. 69, s. 6.

Payment of
fees, fines,
etc.

7. Save as otherwise provided by this Act all rentals, license fees, fines, penalties, proceeds of sales of articles confiscated, and other receipts, fees and revenue under this Act or the Regulations, or under any lease, license or other instrument thereby authorized, shall be payable to the Treasurer of Ontario. 3-4 Geo. V. c. 69, s. 7.

PART II.

GAME.

Regulations.

8. The Lieutenant-Governor in Council may make regulations

- (a) prohibiting for a period of not more than three years at a time the hunting, shooting and sale in Ontario or any part of it of any non-migratory game which may appear to require further protection than is afforded by this Act; Protection of non-migratory birds.
- (b) prohibiting the hunting, shooting or sale of any migratory game which he may deem to be at any time in danger of extinction, for the same period and in the same manner as the same is at any time forbidden in any two or more of the United States of America, one of such states being New York, Pennsylvania, or Michigan; Protection of migratory birds in certain cases.
- (c) varying the close season for that part of the territory of Ontario lying north and west of French River, Lake Nipissing and Mattawa River or any part of such territory; Varying close seasons in certain outlying districts.
- (d) prohibiting or regulating the possession of guns, rifles or other firearms in any part of Ontario in which it may appear that it is desirable to take special means to prevent violations of this Act; Forbidding the possession of guns.
- (e) prohibiting persons assisting hunters or hunting parties from acting as guides except under the authority of a license or permit; Licensing guides.
- (f) requiring non-resident holders of hunting licenses to employ licensed guides while hunting deer, moose or caribou; Employment of licensed guides.
- (g) designating certain parts of Ontario in which it shall be unlawful to hunt, take, pursue, kill, wound or destroy any game bird or animal at any time of the year, subject to such exception in favour of the residents or settlers as may be deemed reasonable; Crown game preserves.
- (h) for encouraging the propagation of game by authorizing any person owning game and having the same on his property to sell or dispose of it at any time for propagation or stocking purposes; Sale for breeding purposes.

Exempting
Indians or
farmers
from pro-
visions of
Act.

- (i) exempting Indians or actual *bona fide* settlers in the northern and northwesterly or other sparsely settled portions of Ontario, whether organized or unorganized, from any of the provisions of this Act which may be specified in the Order in Council; but not so as to authorize a settler to hunt, take, kill or have in his possession any moose, reindeer or caribou except in any year when the same may be lawfully killed according to the provisions of this Act. 3-4 Geo. V. c. 69, s. 8.

Non-residents.

9. No person not a British subject and no person not residing and domiciled in Ontario shall hunt, take, kill, wound or destroy any game, or carry or use any gun or rifle for hunting purposes except under the authority of a license. 3-4 Geo. V. c. 69, s. 9.

Open Season.

Open season.

10.—(1) No person shall hunt, take, kill or destroy

Deer.

- (a) any deer, except from the 1st day of November to the 15th day of November, both days inclusive;

Moose, rein-
deer, and
caribou
south of
C.P.R.

- (b) any moose, reindeer, or caribou in that part of Ontario lying south of the main line of the Canadian Pacific Railway in the Town of Mattawa to the City of Port Arthur, except from the 1st day of November to the 15th day of November, both days inclusive;

Moose, rein-
deer and
caribou
north of
C.P.R.

- (c) any moose, reindeer, or caribou throughout that part of Ontario lying north of the main line of the Canadian Pacific Railway from Mattawa to the Manitoba boundary and that part of Ontario lying south of the Canadian Pacific Railway from the City of Port Arthur to the Manitoba boundary, except from the 16th day of October to the 15th day of November, both days inclusive;

Grouse, etc.

- (d) any grouse, pheasants, prairie fowl or partridge, except from the 15th day of October to the 15th day of November, both days inclusive; but no persons shall take or kill more than ten partridges in any one day;

Woodcock.

- (e) any woodcock, except from the 1st day of October to the 15th day of November, both days inclusive;

Quail and
wild turkeys,
black and
grey squirrels.

- (f) any quail or wild turkey, black or grey squirrel, except from the 15th day of November to the 1st

day of December in any year, both days inclusive;

- (g) any swan or goose, except from the 15th day of September to the 15th day of April in the following year, both days inclusive; Swans and geese.
- (h) duck of any kind or any other waterfowl, snipe, rail, plover or any other bird known as a shore bird or wader in the Northern District, except from the 1st day of September to the 15th day of December in any year, both days inclusive; Ducks and other water-fowl. Northern District.
- (i) duck of any kind or any other waterfowl, snipe, rail, plover or any other bird known as a shore bird or wader in the Southern District, except from the 15th day of September to the 15th day of December in any year, both days inclusive; Idem. Southern District.
- (j) capercailzie, before the 15th day of September 1915, nor thereafter except from the 15th day of September to the 15th day of December, both days inclusive; Capercailzie.
- (k) hares, except from the 1st day of October to the 15th day of December, both days inclusive, and except that between the 15th day of December and the 31st day of December in any year, both days inclusive, the wood-hare or cotton-tail rabbit may be taken, killed or destroyed by means of snares, ferrets or any other means than shooting. Hares.

(2) Notwithstanding anything in this Act a wood-hare or cotton-tail rabbit may be taken, killed or destroyed in any manner by the owner, occupant or lessee of any land upon which it causes actual damage to trees or shrubs, or by any member of the family of such owner, occupant or lessee, or by any person holding a written license or permit from such owner, occupant or lessee; and any of these animals killed under this subsection shall be handed over to the nearest officer of the Game and Fisheries Branch for distribution to charitable institutions. Cotton-tail rabbits.

(3) Notwithstanding anything in this Act a person who puts or breeds or imports deer upon his own land for the purpose of breeding and preserving the same, and his licensee, may hunt, take or kill any such deer from the 1st day of October to the 15th day of November, both days inclusive; but the onus of proof that the deer were so put or bred shall rest on the person hunting or killing the same. 3-4 Geo. V. c. 69, s. 10. Special provision as to shooting deer put or bred by any person on his lands.

Beaver, Otter, Muskrats, etc.

11.—(1) No beaver or otter shall be hunted, taken or killed or had in possession by any person before the 1st day

of November, 1915, and thereafter between the 1st day of April and the 1st day of November in any year, nor shall any trap, snare, gin or other contrivance be set for them during such periods.

Muskrat.

(2) No muskrat shall be hunted, taken or killed or had in possession of any person between the 1st day of May and the 1st day of December, except as provided by the next succeeding subsection, nor shall any trap, snare, gin or other contrivance be set for it during such period; and any such trap, snare, gin or other contrivance so set may be destroyed by any person without his thereby incurring any liability therefor: and this subsection shall apply to Indians in respect of private or leased land.

In certain districts.

(3) The close season with respect to muskrat in the electoral districts of Port Arthur, Fort William, Rainy River and Kenora shall be from the 1st day of May to the 1st day of March in the year following.

Muskrat houses, etc.

(4) No muskrat shall be shot during the month of April, or speared at any time; nor shall any muskrat house be cut, speared, broken or destroyed at any time.

When destruction of muskrats lawful.

(5) Nothing in this section shall apply to any person destroying any of the animals in defence or preservation of his property, or prevent the destruction of muskrats by any means, at any time, in the vicinity of dams or drainage embankments where there is a probability of injury being caused by them to such dams or drainage embankments.

Onus of proof.

(6) The onus of proving the justification under the next preceding subsection shall be on the person destroying any such animals.

Mink.

(7) No mink shall be hunted, taken or killed or had in possession of any person between the 1st day of May and the 1st day of November following.

Beaver doing damage.

(8) The Superintendent may at any time by order in writing direct the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in Ontario in which, in the opinion of the Superintendent, beaver are causing damage to a highway or to private property, but all beaver so taken or killed shall be duly accounted for and handed over to the Superintendent.
3-4 Geo. V. c. 69, s. 11.

Sunday.

Hunting on Lord's Day.

12. No person shall on the Lord's day hunt, take, kill or destroy any game, or use any gun or other engine for that purpose. 3-4 Geo. V. c. 69, s. 12.

Deer.

13.—(1) No person shall hunt, take, kill, wound or destroy any deer, moose, reindeer or caribou except under the authority of a license License necessary for hunting deer.

(2) No person shall at any time hunt, kill or take any cow moose, or any moose, reindeer or caribou under the age of one year. Cow moose, fawns, etc., not to be killed.

(3) No person shall during any one year or season kill or take more than one deer, one bull moose, or one bull reindeer or caribou; but this shall not apply to deer which are the private property of any person and which have been killed or taken by him or by his direction or with his consent in or upon his own land. Number of deer, etc., which may be killed.

(4) Two or more persons hunting together and holding licenses may kill an aggregate of not more than one deer for each member of the party. Aggregate kill.

(5) No owner of any dog, known by the owner to be accustomed to pursue deer, shall permit such dog to run at large during the close season for deer in any locality where deer are usually found. Restraint of dogs.

(6) Any person harbouring or claiming to be the owner of such hound or dog shall be deemed to be the owner thereof; and any dog found running deer during the close season shall be deemed to be at large with the permission of the owner and may be killed on sight by any person, and he shall not be liable to any penalty or damage therefor. Idem.
3-4 Geo. V. c. 69, s. 13.

Water Fowl.

14.—(1) No wild duck, goose or other water fowl shall be hunted, taken or killed from a sail boat, yacht or launch propelled by steam or other power. Hunting ducks, etc., from sail-boats.

(2) No swivel gun, or gun of any kind of a larger bore or gauge than 8, and no contrivance for taking or killing wild swans, geese or ducks, known as sunken punts or batteries, shall be used at any time. Illegal contrivances.

(3) No blinds or decoys for use in hunting duck or other water fowl shall be placed at a greater distance than two hundred yards from the shore or a natural rush bed thick enough to conceal a boat, or from a water line bounding private property, and all decoys shall be removed from the water during the hours in which shooting is prohibited. Blinds or decoys.
3-4 Geo. V. c. 69, s. 14.

Poisons, Traps and Contrivances.

15.—(1) No person shall kill or take any game by the use of poison, or a poisonous substance, or expose poison, Poisons, use of prohibited.

poisoned bait or other poisoned substance in any place or locality to which any game or any dog or cattle usually has access.

Trapping,
snaring, etc. (2) None of the game animals and game birds, except those mentioned in section 11, shall be trapped or taken by means of traps, nets snares, gins, baited lines or other similar contrivances, nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them or any of them at any time; and if so set they may be destroyed by any person without incurring any liability for so doing. 3-4 Geo. V. c. 69, s. 15.

Shooting
at night. 16. No person shall discharge any gun or other fire-arm at any game between sunset and sunrise. 3-4 Geo. V. c. 69, s. 16.

Shooting for Hire Forbidden.

Hired
hunters. 17. No person shall for hire, gain or reward or hope thereof hunt, kill or shoot any game, or employ, hire or for valuable consideration induce any other person so to do; but this shall not apply to the *bona fide* employment of any person as guide to accompany a person lawfully hunting or shooting. 3-4 Geo. V. c. 69, s. 17.

Eggs.

Eggs not to
be taken. 18. No eggs of any game bird shall be taken, destroyed or had in possession by any person at any time. 3-4 Geo. V. c. 69, s. 18.

Masks and Disguises.

Masked or
armed persons in
neighbourhood
of preserves. 19. Any person being masked or disguised and carrying or having in his possession any gun or other fire-arm near any preserve or shooting ground or, in close season, near any place where game is usually found shall be guilty of an offence against this Act. 3-4 Geo. V. c. 69, s. 19.

Automatic Guns.

Automatic
guns
prohibited. 20 Subject to the Regulations, no gun of the description known as "automatic" in which the recoil is utilized to reload the gun shall be used in the killing of game. 3-4 Geo. V. c. 69, s. 20.

Certain
employees
not to carry
fire arms. 21—(1) No person employed in connection with the construction of any railway or public work shall carry or have in possession in the vicinity of such railway or public work, any gun or other fire-arm except as may be authorized by special license.

Nature of
license to
do so. (2) The special license may be subject to such terms as the Minister may direct, and the ordinary hunting license provided for in this Act shall not be deemed to be a license under this section. 3-4 Geo. V. c. 69, s. 21.

Private Preserves—Propagation for Stocking Purposes.

22.—(1) Where a person has put or bred any kind of game upon his own land for the purpose of breeding and preserving the same no person knowing it to be such game shall hunt, shoot, kill or destroy it without the consent in writing of the owner of the land. Protection of private preserves.

(2) This section shall not prevent any person from shooting, hunting, taking or killing upon his own land, or upon any land over which he has a right to shoot or hunt, any game which he does not know or has not reason to believe had been so put or bred by some other person upon his own land. 3-4 Geo. V. c. 69, s. 22. Innocent contravention.

Trespass in Pursuit of Game.

23.—(1) No person shall at any time enter with any sporting implements in his possession, or permit his dog to enter, into any growing or standing grain without the permission of the owner, and no person shall at any time hunt, shoot or with any sporting implement in his possession go upon any enclosed land of another after having had notice not to hunt or shoot thereon. Entry on grain crops. Entering on lands after notice not to do so.

(2) Every person who contravenes this section shall be guilty of an offence against this Act. Penalty.

(3) An owner or occupant of land may give such notice Notice to trespassers, how given.

(a) verbally or in writing;

(b) by maintaining on or near the boundary of the land intended to be protected, or upon or near the shores of any water covering the same or any part thereof, sign boards to the number of two to each forty acres, at least one foot square, containing a notice in the following form or to the like effect: "Hunting or shooting forbidden."

(4) Any person who, without authority, puts up or causes to be put up any such notice on any land of which he is not the owner, or to the possession of which he is not entitled, or who tears down, removes, injures, defaces or interferes with any notice lawfully put up shall be guilty of an offence against this Act. Unauthorized putting up or interfering with notices illegal.

(5) Nothing in this section shall limit or in any way affect the remedy at common law of any such owner or occupant for trespass. Common law rights preserved.

(6) For the purposes of this section land the boundary line or any part of the boundary line of which passes through a marsh or swamp, or any land covered with water, or land without sufficient trees or obstructions to prevent any post hereinafter mentioned being clearly visible from the Marsh lands.

nearest post on either side thereof, shall so far as respects that part of the boundary line which so passes be deemed to be wholly enclosed within the meaning of this Act if posts are maintained along such part at distances which will permit of each being clearly visible from the next post. 3-4 Geo. V. c. 69, s. 23.

PART III.

FISH.

Government regulations

24. (1) The Lieutenant-Governor in Council may make regulations—

Forbidding fishing except under license.

(a) prohibiting fishing except under the authority of a license issued on the terms and conditions prescribed by the Regulations;

Wasteful and destructive fishing.

(b) preventing the destruction and improper, wasteful or excessive taking of fish;

Number and weight of fish.

(c) prescribing the number, size and weight of any species of fish that may be caught, possessed, purchased or sold;

(d) restricting the taking of frogs and setting apart any suitable Provincial waters for the cultivation and propagation of frogs.

Licenses for non-residents.

(2) Except under the authority of a license, no person not residing and domiciled in Ontario shall angle in Provincial waters. 3-4 Geo. V. c. 69, s. 24.

Sturgeon.

25. Except under the authority of a license, no sturgeon shall be caught, taken or killed by any means. 3-4 Geo. V. c. 69, s. 25.

Taking for breeding purposes, etc.

26. Except as authorized by special license, no fish or spawn shall be taken in any manner or at any time from Provincial waters for the purpose of stocking, artificial breeding or for scientific purposes. 3-4 Geo. V. c. 69, s. 26.

Regulations as to Nepigon waters.

27.—(1) Except under the authority of a license, no one shall fish in the waters of Lake Nepigon or the River Nepigon in the District of Thunder Bay or in any tributaries of such lake or river.

Indian and other guides.

(2) This section and the conditions applicable to licenses authorizing such fishing shall apply to Indians as well as to all other guides, boatmen, canoe men, camp assistants or helpers of any kind of a fishing party or person holding any such license. 3-4 Geo. V. c. 69, s. 27.

Provisions as to setting apart of waters for propagation of fish.

28. The Superintendent may authorize to be set apart and to be leased any waters for the natural or artificial propagation of fish; and any person who wilfully destroys or injures any place so set apart or used, without the written

permission of an overseer or of the lessee, or uses therein a fishing light or other like implement for fishing, or fishes therein during the period for which the waters are so set apart shall be guilty of an offence against this Act. 3-4 Geo. V. c. 69, s. 28.

29.—(1) No person shall without the permission of the owner or lessee fish or employ or induce any other person to fish or assist in fishing in that portion of a pond, stream or other water in which fish are lawfully cultivated, owned and maintained by an owner or lessee, or remove or carry away or employ, induce or assist any other person to remove or carry away any fish therefrom. Fishing in private waters.

(2) Every person who contravenes the provisions of this section shall incur a penalty of not less than \$5 nor more than \$20, and \$1 for each fish taken; and any net, article, apparatus or appliance used contrary to the provisions of this section may be seized on view by any overseer or by the owner or lessee to be afterwards dealt with according to law. Penalty. 3-4 Geo. V. c. 69, s. 29.

30. Every net shall have the name of the owner legibly marked on two pieces of metal or wood attached to it; and the marks shall be preserved on such nets during the fishing season so as to be visible without taking up the net; and any net used without such marks shall be liable to confiscation. Nets to be marked with name of owners. 3-4 Geo. V. c. 69, s. 30.

31. Where a fishery is in the charge of any person other than the owner, either as occupant or servant, and any of the provisions of this Act are contravened by any such person or by any owner they shall be jointly and severally liable for all penalties incurred and all money recoverable in respect of this contravention. Joint liability of owner and agent. 3-4 Geo. V. c. 69, s. 31.

32. A lessee shall not have the right to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act without the written consent of the Superintendent. Transfer of lease. 3-4 Geo. V. c. 69, s. 32.

33. If, in consequence of incorrectness of survey or other error or from any other cause, a lease comprises land included in a lease of a prior date the lease last granted shall be void in so far as it interferes or purports to interfere with that previously granted, but the lessee shall have no claim for indemnity or compensation. Lessee not entitled to compensation in case of deficiency. 3-4 Geo. V. c. 69, s. 33.

34. Every lease shall be deemed to have been granted subject to the right of passage to and from any water in favour of the occupants, under title from the Crown, of the land in rear of those included in the lease whether so expressed therein or not. Rights of passage. 3-4 Geo. V. c. 69, s. 34.

Disputes,
adjustment of.

35. Disputes between persons relative to fishing limits, or claims to fishery locations or stations or to the position and use of nets and other fishing apparatus, shall be settled by the local overseer subject to appeal to the Superintendent. 3-4 Geo. V. c. 69, s. 35.

Rights of
lessee
against
trespassers.

36. A lease shall, as against trespassers, entitle the lessee to all the rights of an owner in fee simple of the land. 3-4 Geo. V. c. 69, s. 36.

Liability of
trespassers.

37.—(1) Every person not authorized by law so to do who enters upon or passes over any fishery or any land described in a lease, without permission of the owner or lessee, shall be deemed a trespasser and shall be liable to all the penalties by law provided, and to pay all damages which the owner or lessee is entitled to recover, and shall in addition be guilty of an offence against this Act.

Rights of
holders of
timber
license,
navigation,
etc.

(2) This section shall not apply to a person entering upon or passing over such land in discharge of any duty imposed by law, or, when the land is included in a timber license, to the holder thereof, who shall at all times have the right to cut and take away all trees, timber and lumber within the limits of his license; or prevent the owner or occupier of land bordering on any waters using a general right of passage to and from such waters, or prevent the public use of any waters or the banks thereof for the conveyance of timber or lumber or for the free navigation thereof by vessels, boats or other craft, or any user under license by the Crown of any such land or waters for any purpose or occupation not inconsistent with the provisions of this Act. 3-4 Geo. V. c. 69, s. 37.

Lease for
net-fishing
not to prevent
angling.

38. The occupation of fishing grounds or waters leased for the express purpose of net fishing shall not interfere with nor prevent angling for other purposes than those of sale or traffic. 3-4 Geo. V. c. 69, s. 38.

PART IV.

POSSESSION—SALE—TRANSPORTATION.

39. The Lieutenant-Governor in Council may make regulations

- (a) prohibiting or regulating the purchase and sale of or traffic in, snipe, quail, woodcock, partridge, speckled trout, bass and maskinonge. Sale of certain game birds, fish.
- (b) authorizing and regulating the sale of game imported into Ontario and lawfully hunted, killed or procured according to the law of the province, state or country in which the same was killed or procured. Sale of imported game if lawfully procured.
- (c) prohibiting the possession, purchase, sale and transportation of any species of fish in the close season. 3-4 Geo. V. c. 69, s. 39. Possession, etc., of fish in close season.

40.—(1) During the close season no person shall have in his possession or in the possession of his servant or agent, or of any other person on his behalf, any game, wherever killed or procured, or any fish, except that Possession of game and fish in close season.

- (a) game lawfully killed or procured may be kept during the period between the end of the open season in any year and the sixteenth day of January in the following year;
- (b) skins of moose, deer, caribou and fur-bearing animals may be had in possession during the close season under the authority of a license issued not later than ten days after the end of the open season, and specifying the number and description of such skins.

(2) Except as expressly authorized by license no person other than the actual owner for the use of himself and family shall keep game in cold storage during the season in which the same may be so lawfully possessed. Cold storage in open season.

(3) This section shall not apply to game animals bred or *bona fide* procured for breeding purposes by persons *bona fide* engaged in the business of breeding game animals; and notwithstanding anything in this Act such persons may at all times have in their possession such animals or any part thereof. 3-4 Geo. V. c. 69, s. 40. Exception when for breeding.

41.—(1) Except as expressly authorized by license, and as in this section expressly provided, no person shall, by himself, his servant, clerk or agent, buy, sell or expose or keep for sale, or directly or indirectly, on any pretence or device, for any valuable consideration, barter, give or obtain, to or from any other person, any game wherever killed or procured; but the person who has actually and lawfully hunted, taken and killed any game may sell the same, or any part Purchase and sale of game without license. Exceptions.

thereof, during the open season; and any person may buy from such person, or from the holder of a game dealer's license, any game which such person or licensee is at the time of sale authorized to sell under the provisions of this Act.

(2) Except as expressly authorized by license no hotel, restaurant or club shall during the close season supply for or as a part of any meal for which a charge is made any game, wherever killed or procured, or any fish contrary to the prohibition of any law or regulation.

(3) It shall be an additional offence against this Act, punishable by a penalty of not less than the maximum penalty which would be otherwise applicable, unlawfully to supply at any hotel, restaurant or club for or as part of a meal any game or fish under any pretended name or under the designation of anything which might at the time be lawfully supplied.

(4) The Minister may grant to any person engaged *bona fide* in the business of breeding game animals a permit to buy and sell live game animals bred or procured *bona fide* for breeding purposes and to sell the skins of any such animals, and notwithstanding anything in this Act the holders of the permit may at any time buy or sell live game animals so bred or procured, and sell the skins of any such animal, and it shall be lawful to buy from him any such live game animal or skin. 3-4 Geo. V. c. 69, s. 41.

42. Every railway and express company and every other common carrier, every person engaged in the business of cold storage, or of purveying or dealing in game or fish, or of lumbering, or in charge of any camp near any fishery or near any place in which game is usually found, every person fishing or in charge of any fishery, and every person holding any lease or license shall, upon request, permit the Superintendent or any inspector, warden, overseer or other officer to enter and inspect any car, building, premises or enclosure, and to open any receptacle for the purpose of examining all game and fish taken and all implements and appliances for hunting and fishing and for the purpose of searching for game or fish illegally killed or procured, and to examine any book, invoice, or document containing any entry or memorandum relating to game or fish which the officer suspects to be illegally killed or possessed, and shall afford him all reasonable facilities for any such search, and in case of refusal the officer may, without a search warrant, break such locks and fastenings as may be necessary in order to make such examination. 3-4 Geo. V. c. 69, s. 42.

43.—(1) No railway or express company, or other common carrier, and no other person shall transport or receive or have in possession in Ontario any deer, moose, elk, reindeer or caribou, or any head, skin or other part thereof unless there is attached thereto one of the shipping coupons

belonging to a license authorizing the shipper to hunt or kill the same together with an affidavit of the shipper that the same was lawfully hunted or taken.

(2) No railway or express company, or other common carrier, and no other person shall transport or receive or have in possession for that purpose in Ontario any game during the close season or in the open season after the expiry of the shipping coupon attached thereto unless there is attached thereto, in addition to a shipping coupon, an affidavit of the shipper that the same was lawfully hunted and taken. Game in close season. Affidavit necessary.

(3) The preceding two subsections shall not prevent the transportation of game if accompanied by an affidavit that the same was lawfully killed in some other part of Canada. Game killed in other provinces.

(4) No railway or express company or other common carrier or other person shall ship or transport out of Ontario or shall receive or have in possession for the purpose of shipping or transporting out of Ontario any salmon trout, lake trout or white fish weighing less than two pounds undressed, taken or caught in Provincial waters. Minimum weight of fish to be transported.

(5) No railway or express company or other common carrier or other person shall receive or have in possession or shall ship or transport to any point or place any fish caught or killed within Ontario at a time or in a manner prohibited by law. 3-4 Geo. V. c. 69, s. 43. Transporting fish illegally caught.

44.—(1) All receptacles, including bags, boxes, baskets, crates, packages and parcels of every kind in which game or fish is packed for transportation, shall be so constructed as to show the contents thereof, or shall be marked with the description of the contents, or in either case shall be marked or labelled with the names and addresses of the consignee and consignor. Marking receptacles for fish or game.

(2) In case of failure to comply with the provisions of this section the owner, consignor or person actually shipping or claiming any such receptacle shall be guilty of an offence against this section. 3-4 Geo. V. c. 69, s. 44. Offence.

45.—(1) A non-resident entitled to hunt or shoot in Ontario by virtue of a license under this Act may export out of Ontario in any one open season game actually and lawfully killed by him as follows: one deer, one bull moose, reindeer or caribou, 100 ducks. Exporting deer, etc., by holders of non-resident licenses.

(2) The shipping coupon belonging to such license shall be attached to every such animal and to the receptacle containing it or any part of it or containing any ducks, and such person shall, if required by the Superintendent or by an inspector, warden or overseer, make a statutory declaration of the fact that such game was lawfully killed by him. Shipping coupon.

(3) Except as provided by this section no person shall at any time export from Ontario, or with intent to do so Exportation, generally, forbidden.

Exceptions. hunt, take or kill any game, except deer, moose, elk, reindeer or caribou which are not wild but are private property of and have been killed or taken by the owner or with his consent or by his direction in and upon his own land. 3-4 Geo. V. c. 69, s. 45.

PART V.

LICENSES.

Regulations. 46. The Lieutenant-Governor in Council may make regulations

Terms of license. (a) governing the issue of licenses and permits, prescribing the terms and conditions thereof, the period for which the same shall be in force, and the fees payable in respect thereof;

Special license to guest of resident. (b) for granting without fee a special license to enable a guest of a resident of Ontario to hunt and shoot therein for a term not exceeding one week;

Reduced fee to residents of other provinces. (c) for reducing the fee for a non-resident hunting license to a resident of any other Province of Canada by providing that such license may be issued upon the same terms and conditions upon which a similar license is issued under the law of such other Province to a resident of Ontario. 3-4 Geo. V. c. 69, s. 46.

Not to be issued to convicted persons or their employers. 47.--(1) No license shall be issued or permit granted to any person convicted of any offence against this Act within two years next preceding the date of application for such license or to any person employing a person so convicted.

Illegal transfer. (2) A license shall not be transferable, and every person who buys, sells, exchanges or in any way becomes a party to the transfer of any license or shipping coupon, or in any way uses or attempts to use a license or coupon issued to any other person shall be guilty of an offence against this Act.

Cancellation. (3) A license may be cancelled by the Superintendent, subject to appeal to the Minister, for a contravention by the licensee, or by any person with his connivance, of this Act or of the Regulations or of any of the terms and conditions of the license, notwithstanding that no prosecution has been instituted or conviction had in respect of such contravention.

Effect of conviction as cancellation. (4) A conviction for any offence against this Act shall operate as a cancellation of every license held by the person convicted.

License discretionary. (5) The issue of a license shall be in the discretion of the Superintendent subject to appeal to the Minister. 3-4 Geo. V. c. 69, s. 47.

48.—(1) A license may be issued to

Hunting
licenses.

(a) a person not resident in Ontario to carry guns, rifles and fire-arms and to hunt and shoot, and the fee for such license shall not exceed \$50;

To non-
residents.

(b) a resident of Ontario to hunt deer, and the fee for such license shall be \$2;

To residents,
deer.

(c) a resident of Ontario to hunt moose, reindeer or caribou, and the fee for such license shall be \$5;

To residents
for moose,
reindeer or
caribou.

(d) a person not resident in Ontario to hunt and trap fur-bearing animals, and the fee for such license shall be \$20.

To non-
residents
for fur-bearing
animals.

(2) Every person who has obtained a license under this section shall at all times when hunting carry such license on his person, and shall at all reasonable times and as often as reasonably requested produce and show the same to the Superintendent or any inspector, warden or overseer or person acting under the authority of any of them who requests him so to do, and on failure or refusal shall forfeit such license, and if found hunting or taking any deer or other animals for hunting which a license is required shall, on proof of failure or refusal to comply with such request, be deemed to have been guilty of an offence against this Act.

Production
of licenses
on demand.

(3) There shall be attached to every license one or more shipping coupons plainly marked with the description of the game for hunting which the license is issued, and there shall be printed or stamped upon the coupon the date when it will expire which shall not be later than ten days after the last day of the open season for which the license is issued.

Coupons to
be attached
to license.

(4) Where any deer, moose, reindeer or caribou, or any part thereof, or any game for export under section 45 is presented for shipment at a railway station, steamboat landing or other point of shipment a coupon shall be detached from the license and signed by the person to whom the license is issued, in the presence of the shipping agent or clerk in charge of the office at such point of shipment, and attached to each deer or other animal, or part thereof, or to the receptacle in which it or any ducks are contained, and thereupon such shipping agent or clerk shall write across the face of the coupon the word "cancelled."

Detachment
and
cancellation
of.

(5) Any person, shipping agent or clerk who contravenes any provision of this section, or uses a coupon after the expiry thereof, or ships or assists in the shipment of anything to which a coupon is required to be attached without complying with the provisions of this section shall be guilty of an offence against this Act. 3-4 Geo. V. c. 69, s. 48.

Contravention.

49. A license may be issued upon such terms and conditions as may be imposed by the Regulations authorizing

What
licenses may
be issued.

(a) any person engaged in the business of cold storage of perishable articles to keep any game during

Cold storage.

the open season, and during the period in the close season from the end of the open season in any year to the 16th day of January of the following year, and the fee for such license shall be \$25;

Game dealers.
Sale in open
season.

- (b) any person during the open season and during the period in the close season from the end of the open season in any year to the 1st day of January of the following year to buy and sell, and, within the limits of the municipality for which such license is issued, to expose for sale game lawfully killed and procured, and during such period and upon the conditions prescribed by the Regulations game imported into Ontario, specified and described in the Regulations, and lawfully hunted, killed or procured according to the law of the province, state or country in which the same were killed or procured, and the fee for such license shall be in cities having a population of not less than 100,000, \$25; in other cities having a population of not less than 50,000, \$10; in cities having a population of less than 50,000 and not less than 25,000, \$5; in cities having a population under 25,000 and in towns, \$2; and in villages and townships, \$1;

Rule as to
imported
game in
close season.

Supply of
game by
hotels, etc.

- (c) a hotel, restaurant or club to supply for or as part of a meal served upon its premises any game lawfully obtained during the period in which the same may be lawfully kept in cold storage; and the fee for such license shall be in cities having a population of not less than 100,000, \$10; in other cities having a population of not less than 50,000, \$5; and in all other municipalities, \$1.
3-4 Geo. V. c. 69, s. 49.

Conditions of
licenses for
the Nepigon
waters.

50 Licenses may be issued authorizing fishing in the Nepigon River, Nepigon Lake and adjacent waters subject to the following in addition to any other conditions imposed by the Regulations:—

Number and
terms of
licenses.

- (a) One license only may be issued to any applicant and shall not be for a longer period than four weeks from the date of issue;
- (b) The fee for such license for two weeks or less shall be \$15, for three weeks \$20, and for four weeks \$25, where the applicant is not a permanent resident of Canada; and \$5 for two weeks and \$10 for four weeks where the applicant is a permanent resident of Canada;

Not trans-
ferable and
to be produced
upon request.

- (c) The license shall not be transferable and the holder shall produce and exhibit it whenever called

upon so to do by the Superintendent or an inspector, warden or overseer;

(d) All fishing camps and fishing parties visiting such waters shall be subject to the supervision of the Superintendent or an inspector, warden or overseer who may direct what arrangement shall be made with regard to sanitary matters, the disposal of refuse and the extinction of fires. Subject to supervision.

(e) A licensee, his servant or agent shall not cut live timber except where necessary for the purpose of camping and shelter, such as for tent poles, tent pins, and the like. 3-4 Geo. V. c. 69, s. 50. Cutting of live timber prohibited.

51. Licenses may be issued authorizing fishing in any waters subject to any terms, conditions or limitations, and for any district or fishery, and within any boundaries therein or in the Regulations set forth. 3-4 Geo. V. c. 69, s. 51. Fishing licenses.

52. Licenses or permits may be issued on such terms and conditions as may be prescribed by the Regulations giving authority to act as guides for hunting, shooting or fishing in any part of Ontario specified in any license or permit to such persons applying therefor as are certified by any inspector or warden to be fit and proper persons and qualified so to act; and the fee for any such license or permit shall not exceed \$2. 3-4 Geo. V. c. 69, s. 52. Guides.

53. The Minister may direct the refund of the fee paid for any license, or any part of such fee, where, owing to the license not having been used, or having been used for part only of the period for which it was issued, he deems it just so to do, and the Treasurer of Ontario, upon the written request of the Minister, shall cause a cheque to be issued for the amount of such refund. 3-4 Geo. V. c. 69, s. 53. Refunding fee.

PART VI.

ADMINISTRATION.

Government
regulations.

54. The Lieutenant-Governor in Council may make regulations—

Administra-
tion.

(a) for the administration of the Game and Fisheries Branch;

Appointment
of officers.

(b) for the appointment of the Superintendent, inspectors, wardens, overseers, officers, servants and other persons whose assistance he may deem requisite for the purposes of this Act, and for their remuneration;

Making certain
overseers
Justices of
the Peace.

(c) conferring upon certain overseers by special appointment the powers of Justices of the Peace for the purposes of this Act and of the Regulations. 3-4 Geo. V. c. 69, s. 54.

Superin-
tendent.

55. The administration of the Game and Fisheries Branch shall, under the Minister, be in charge of the chief officer thereof who shall be known as the Superintendent of Game and Fisheries. 3-4 Geo. V. c. 69, s. 55.

Inspectors
of Game and
Fisheries.

56. There shall also be appointed inspectors of game and fisheries, not exceeding three, who shall, in addition to such duties as may be imposed upon them by the Regulations, examine and report upon the enforcement of the Act in all parts of Ontario, the manner in which all wardens and overseers have during the year performed their duties, and shall also examine all applicants for the office of game and fishery overseer. 3-4 Geo. V. c. 69, s. 56.

Wardens of
Game and
Fisheries.

57. There shall also be appointed wardens of game and fisheries, not exceeding fourteen, who, subject to the Superintendent, shall have charge of and be responsible for the enforcement of this Act in the districts for which they shall respectively be appointed. 3-4 Geo. V. c. 69, s. 57.

Oath to be
taken before
acting.

58. The Superintendent, inspectors, wardens, overseers and deputy game and fisheries wardens shall before acting take and subscribe the following oath:—

1. *A. B., Superintendent (or as the case may be), appointed under the provisions of The Ontario Game and Fisheries Act, do swear that to the best of my judgment I will faithfully, honestly and impartially execute and perform the office and duty of such Superintendent (or as the case may be) according to the true intent and meaning of The Ontario Game and Fisheries Act and the regulations.*

So help me God.

3-4 Geo. V. c. 69, s. 58.

59. The Superintendent and inspectors and wardens of game and fisheries, overseers authorized by their appointment to act as Justices of the Peace, and the superintendent and inspectors of the Ontario Provincial Police shall be Justices of the Peace in and for every county or district for the purposes of this Act and of the Regulations, and may take informations and issue warrants or summonses in any county or district returnable in the county or district in which the offence is alleged to have been committed. 3-4 Geo. V. c. 69, s. 59.

60.—(1) Subject to the approval of the Minister the Superintendent may appoint the overseers and may in his discretion dismiss any of them.

(2) Overseers shall be paid by salary or by special remuneration for work performed, prosecutions conducted or convictions obtained under this Act, or partly by salary and partly by special remuneration, but shall not be entitled to receive directly any fines imposed for offences against this Act. 3-4 Geo. V. c. 69, s. 60.

61.—(1) Every overseer shall before acting obtain and deposit with the Superintendent a written certificate signed by an inspector or warden that he is a fit and proper person to be appointed to the office of overseer.

(2) An overseer shall have the authority of a constable for the purposes of this Act and the Regulations.

(3) Every overseer, not being himself a Justice of the Peace or authorized to act as such, on view of a violation of this Act shall arrest the person committing the same without process and bring him with reasonable diligence before a Justice of the Peace to be dealt with according to law.

(4) Every overseer, if he has reason to suspect and does suspect that game, peltries or fish have been killed, taken or shipped or are had in possession contrary to the provisions of this Act or the Regulations and are contained in any trunk, box, bag, parcel or receptacle, shall open the same, entering all premises which under the provisions of this Act he is authorized to enter, and using necessary force in case the owner or person in charge obstructs or refuses to facilitate his search; and if such overseer has reason to believe and does believe that it is necessary to enter any store, private house, warehouse, car or building which he is not under the provisions of this Act authorized to enter without a search warrant he shall make a deposition, Form A, before a Justice of the Peace and demand a search warrant to search such store, private house, warehouse, car or building, and thereupon such Justices of the Peace may issue a search warrant, Form B.

(5) Every overseer shall forthwith seize all game and fish and all boats, guns, decoys, nets, lines, tackle, appliances,

materials and articles used or had in possession contrary to the provisions of this Act or the Regulations, and shall deal with them according to law; but articles the use of which is at all times unlawful shall forthwith be destroyed.

Duty to investigate and prosecute.

(6) Every overseer shall investigate all violations of this Act or of the Regulations brought to his notice and prosecute every person whom he may have reasonable cause to believe guilty of any offence against this Act.

Right of passage.

(7) In the discharge of his duties every overseer and every person by him accompanied, or authorized for that purpose, may enter upon and pass through or over private property without being liable for trespass.

Obstructing officers in the discharge of their duty.

(8) Any person who obstructs, hinders, delays or interferes with an overseer in the discharge of his duty by violence or by means of threats, or by giving false information or in any other manner shall be guilty of an offence against this Act.

Neglect to fulfil duties.

(9) Every overseer or other person authorized to enforce the provisions of this Act who neglects or refuses so to do or to perform any of the duties pertaining to his office shall be guilty of an offence against this Act.

Abuse of power.

(10) Any officer who maliciously abuses his power shall be guilty of an offence against this Act.

Overseers *ex-officio*.

(11) All the provisions of this section as to overseers shall apply to the Superintendent, inspectors and wardens so far as is consistent with their respective duties; and all sheriffs, deputy sheriffs, provincial police or constables, county constables, police officers, wood rangers, Crown lands agents, timber agents and fire wardens shall *ex-officio* be overseers. 3-4 Geo. V. c. 69, s. 61.

Deputy game and fishery wardens—appointment, etc., of.

62.—(1) Subject to the approval of the Minister the Superintendent may appoint deputy game and fishery wardens in and for any part of Ontario, and may in his discretion dismiss them.

Remuneration.

(2) Deputy game and fishery wardens shall be appointed without salary, except when on special service, and shall receive one-half of all fines resulting from convictions obtained by them.

To have the authority of constables.

(3) Every deputy game and fishery warden shall have the authority of a constable for the purposes of this Act and the Regulations. 3-4 Geo. V. c. 69, s. 62.

PART VII.

PROCEDURE—EVIDENCE—PENALTIES.

63.—(1) Prosecutions for offences against or for the recovery of penalties imposed under the authority of this Act may be brought and heard before any person authorized by this Act to act as a Justice of the Peace or before any of His Majesty's Justices of the Peace for the county or district in which the penalty was incurred or the offence was committed, or if near any boundary between different counties or districts then in either, or in any case in the county or district in which the offender lives or is found, and in a city, town or village in which there is a police magistrate before him; but no person shall be compelled to attend at a greater distance from the place where he may have been found or arrested or from his place of residence or the place where the offence was committed than ten miles if there is a Justice of the Peace residing within that distance who is willing to dispose of the case and is not disqualified.

Persons
before whom
offences may
be tried.

(2) The information or complaint shall be laid within six months after the commission of the offence except in the case of a prosecution for omissions to make any return required by this Act or the Regulations.

Limitation.

(3) A contravention of this Act or of the Regulations or the terms or conditions of a lease or license shall be and may be stated as an offence against this Act.

Offences.

(4) The description of an offence in the words either of this Act or of the Regulations or in any similar words shall be sufficient; and an information or complaint may be for two or more offences.

Description of
offence.

(5) Any justice of the peace or other person authorized by this Act to act as a justice of the peace for the purposes thereof may upon his own view convict for any offence against this Act or the regulations.

Conviction
on view.

(6) A violation of this Act or the Regulations shall constitute a separate offence in respect of each game animal, bird or fish which is the subject thereof, though more than one violation of the same or of a different kind and in respect of more than one game animal, bird or fish takes place at the same time or upon the same day.

Separate
offences.

(7) Upon the trial of any prosecution under this Act the Justice shall, if it appears that more than one offence of the same kind was committed at the same time or on the same day, impose all the penalties in one conviction.

Offences of
same kind
on same
day.

(8) The Justice shall by the conviction adjudge that the offender be imprisoned for any term not exceeding three months unless the penalty, the costs and charges of prosecution and commitment and of conveying the offender to prison are sooner paid.

Committal on
non-payment
of fine.

Defects of
form.

(1) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorized to appeal shall not be removed by *certiorari* or otherwise either at the instance of the Crown or any private person into the Supreme Court.

Procedure.
Rev. Stat.
c. 90.

(10) In all prosecutions under this Act, save when herein otherwise provided, the procedure shall be governed by *The Ontario Summary Convictions Act*. 3-4 Geo. V. c. 69, s. 63.

Onus of
proof.

64.—(1) In all actions and prosecutions under this Act the onus shall be upon any person found in possession of any game or fish in a close season to prove that such game was lawfully taken, killed and procured.

Finding nets
to be
evidence.

(2) The finding of any net, fishing device or other article set or maintained in violation of this Act shall be *prima facie* evidence of the guilt of the person owning, possessing or operating the same.

Possession,
etc.

(3) In all actions and prosecutions under this Act the possession of a gun, decoy or other implement for shooting or hunting in or near any place where any game has been or is likely to be found shall be *prima facie* evidence that the person in possession thereof was hunting or shooting such game. 3-4 Geo. V. c. 69, s. 64.

Deer, etc

65.—(1) Any person who commits any offence against this Act in respect of deer, moose, reindeer, caribou, beaver or otter shall for each offence incur a penalty of not less than \$20 nor more than \$100, and any person who commits any other offence against this Act shall for each offence incur a penalty of not less than \$5 nor more than \$50.

Other
offences.

Second and
third
offences.

(2) Any person who after having been convicted of an offence against this Act within two years again offends against this Act shall incur a penalty of not less than double the minimum penalty provided for the offence, and upon a third or subsequent conviction at any time thereafter shall incur a penalty of not less than the maximum penalty provided for the offence.

Masked when
offence
committed.

(3) Any person convicted of any offence against this Act shall, if he is proved to have been masked or disguised and in possession of a gun or other fire-arm at the time such offence was committed, be liable to be imprisoned for a period not exceeding three months without the option of a fine in addition to the penalty elsewhere provided for such offence.

Remission or
reduction of
penalties.

(4) No Justice of the Peace shall have power to remit any penalty or to reduce the amount of the penalty in case of conviction for more than one offence upon the same prosecution: but in any case in which the aggregate penalties upon

conviction for more than one offence committed at the same time or included in the same conviction amount to more than \$500 the Minister may remit any part of the excess.

(5) All penalties imposed and collected in prosecutions under this Act in which overseers are prosecutors shall be paid to the Treasurer of Ontario. Application of fine.

(6) Subject to subsection 2 of section 62, one-half of every penalty imposed and collected under the provisions of this Act where any other person is the prosecutor shall be paid to him, or to the person on whose evidence the conviction is made, as the Justice may determine, and the other one-half shall be paid to the Treasurer of Ontario. One-half fine to go to private prosecutor.

(7) All guns, ammunition, boats, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle and all appliances of every kind used for hunting or fishing, and all game and fish found in the possession of any person committing an offence against this Act or in respect of which any such offence was committed shall upon seizure be forfeited and, save as hereinafter provided, shall become the property of His Majesty and shall be forwarded to the Superintendent to be sold and the proceeds paid to the Treasurer of Ontario. Confiscation of game, etc.

(8) Articles of which the use is at all times unlawful shall be destroyed on seizure, and perishable game and fish may in the discretion of the overseer be immediately given to any charitable institution. Disposal.

(9) Upon seizure of any game or fish illegally killed or had in possession, or in respect of which any offence against this Act has been committed, all packages, boxes, crates, parcels or other articles containing the same, together with all other contents thereof of every kind, shall be forfeited and shall become the property of His Majesty, and shall be sold and the proceeds applied as provided in subsection 8. Confiscation of packages, etc.

(10) A person who commits an offence against this Act shall not have or acquire any right of property in game or fish caught or taken by him while committing such offence or in respect of which such offence was committed, but the same shall be forfeited and shall become the property of the owner, lessee or licensee, if any, in breach of whose rights the offence was committed, or if there is no such owner, lessee or licensee shall become the property of His Majesty. No right of property in game or fish illegally caught.

(11) The penalties in the next preceding four subsections provided as to forfeiture and loss of property shall take effect upon seizure if any offence has been in fact committed notwithstanding that no conviction is had against the person who commits such offence. Penalties to take effect on confiscation.

Conviction to
cancel
license.

(12) All leases, licenses or permits held by any person convicted of any offence against this Act shall be deemed to be cancelled upon conviction without further action or notice given by any officer of the Game and Fisheries Branch.
3-4 Geo. V. c. 69, s. 65.

SCHEDULE.

FORM A.

Section 61 (4).

DEPOSITION FOR A SEARCH WARRANT.

I, _____ declare that I have reason to suspect, and do suspect, that game, peltries or fish unlawfully killed or taken or had in possession (as the case may be) are at present held and concealed (*describe here the property, occupant, etc., and the place*).

Wherefore, I pray that a warrant may be granted and given to me to effect the necessary searches for (*describe here the property, etc., as above*).

Sworn before me at
this _____ day of _____

, A.D. 19 _____

X. Y.

L. B.

J. P.

3-4 Geo. V. c. 69, Schedule, Form A.

FORM B.

Section 61 (4).

SEARCH WARRANT.

To the constables of _____

Whereas _____ has this day declared, under oath, before me, that he has reason to suspect and does suspect that game, peltries or fish unlawfully taken or had in possession (as the case may be) are at present held and concealed (*describe property, occupant, place, etc.*).

Therefore you and each of you are commanded by these presents, in the name of His Majesty, to assist the said _____, and diligently to help him to make the necessary searches for (*describe the game, peltries or fish unlawfully taken or had in possession, etc.*) which he has reason to suspect, and does suspect, to be held and concealed in (*describe the property, etc., as above*), and to deliver, if need there be, the said game, etc. (*as the case may be*) to the said _____ to be by him brought before me, or before any other Justice of the Peace, to be dealt with according to law.

Given under my hand and seal at _____, in the County
(or District) of _____, this _____ day of _____, A.D. 19 _____

L. B.

J. P.

[L.S.]

3-4 Geo. V. c. 69, Schedule, Form B.

CHAPTER 263.

An Act for the Protection of Insectivorous and other Birds.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Protection of Birds Act*. Short title.

2. Nothing in this Act shall affect *The Ontario Game and Fisheries Act* or apply to any imported cage bird or other domesticated bird or birds generally known as cage birds or to poultry. R.S.O. 1897, c. 289, s. 1. Game, birds and cage birds and poultry not affected. Rev. Stat. c. 262.

3.—(1) Except as in section 7 provided it shall not be lawful to or to attempt to shoot, destroy, wound, catch, net, snare, poison, drug or otherwise kill or injure any wild native birds other than hawks, crows, blackbirds and English sparrows and the birds specially mentioned in *The Ontario Game and Fisheries Act*. Birds that may not be killed. Exceptions. Rev. Stat. c. 262.

(2) Any person may, during the fruit season for the purpose of protecting his fruit, shoot or destroy on his own premises the bird known as the robin without being liable to any penalty under this Act. R.S.O. 1897, c. 289, s. 2. Robins.

4.—(1) Except as in section 7 provided it shall not be lawful to take, capture, expose for sale or have in possession any bird, save the kinds hereinbefore or hereinafter excepted, or to set wholly or in part any net, trap, springe, snare, cage, or other machine or engine by which any birds, except hawks, crows, blackbirds and English sparrows, might be killed or captured. Trapping and selling forbidden. Exceptions.

(2) Any net, trap, springe, snare, cage or other machine or engine set either wholly or in part for the purpose of capturing or killing any birds, except hawks, crows, blackbirds and English sparrows, may be destroyed by any person without incurring any liability for so doing. R.S.O. 1897, c. 289, s. 3. Destruction of traps.

5. Except as in section 7 provided it shall not be lawful to take, injure, destroy or have in possession any nest, young or eggs of birds other than hawks, crows, blackbirds and English sparrows. R.S.O. 1897, c. 289, s. 4. Nest, young or eggs not to be taken.

6. Any person may seize, on view, any bird unlawfully possessed and carry it before a Justice of the Peace to be by him confiscated, and if alive to be liberated; and all market clerks and peace officers on the spot shall seize and confiscate, and if alive liberate such bird. R.S.O. 1897, c. 289, s. 5.

7.—(1) The Superintendent of Game and Fisheries, on receiving from any ornithologist or student of ornithology or biologist, or student of biology, an application, Form 1, and recommendation, Form 2, may grant to such applicant a permit, Form 3, authorizing him to collect and to purchase or exchange all birds and their nests and eggs otherwise protected by this Act at any time or season when he may require them for the purpose of study without incurring any penalty under this Act. R.S.O. 1897, c. 289, s. 6.

(2) A permit granted under this section shall continue in force until the end of the calendar year in which it is issued and may be renewed at the option of the Superintendent of Game and Fisheries. R.S.O. 1897, c. 289, s. 7.

8.—(1) Every person who contravenes any of the provisions of this Act shall incur a penalty of not less than \$1 nor more than \$20 recoverable under *The Ontario Summary Convictions Act*.

(2) The whole of the penalty shall be paid to the prosecutor unless the convicting Justice has reason to believe that the prosecution is in collusion with and for the purpose of benefiting the accused, in which case the Justice may order the disposal of the fine as in ordinary cases. R.S.O. 1897, c. 289, s. 8, *part*.

SCHEDULE.

FORM 1.

FORM OF APPLICATION FOR PERMIT.

I, _____ of _____ apply for
a permit granting to me the right to collect and to purchase or
exchange birds, and their nests and eggs, for strictly scientific
purposes only, in accordance with *The Protection of Birds Act*.
Dated at _____ the _____ day of _____ 19 _____,

A. B.
Applicant.

To

The Superintendent of Game and Fisheries,
Toronto.

R.S.O. 1897, c. 289, Sched. Form A.

FORM 2.

FORM OF RECOMMENDATION.

We, the undersigned, personally know _____ and believe him to
be a person of good character, and fit to be entrusted with the
privilege of collecting and purchasing, or exchanging birds, and
their nests and eggs in accordance with *The Protection of Birds Act*,
which we have carefully examined and fully comprehended.

Dated at _____ the _____ day of _____, 19 _____
A. B.
(Address.)

R.S.O. 1897, c. 289, Sched. Form B.

FORM 3.

FORM OF CERTIFICATE.

Mr. _____ of the _____ in the _____ of
_____ in the Province of Ontario is hereby authorized
to collect and to purchase and exchange birds, and their nests and
eggs, for strictly scientific purposes only, in accordance with *The
Protection of Birds Act*.

Dated at _____ the _____ day of _____ 19 _____
Superintendent of Game and Fisheries.

R.S.O. 1897, c. 289, Sched. Form C.

CHAPTER 264.

An Act to encourage the Destruction of Wolves.

THE MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title. **1.** This Act may be cited as *The Wolf Bounty Act*. 1 Geo. V. c. 77, s. 1.
- Interpretation.
"County."
"Regulations."
"Wolf."
- 2.** In this Act,
(a) "County" shall not include the Provisional County of Haliburton;
(b) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act;
(c) "Wolf" shall mean a grey timber wolf. 1 Geo. V. c. 77, s. 2.
- Oath and certificate of killing of wolf in county.
- 3.** Where a person who has killed a wolf in any county or within one mile of any actual settlement in a county produces the skin of the wolf before the sheriff or treasurer of such county, or before a police magistrate, a clerk of the division court, or before such officer as the Treasurer of Ontario may approve of, together with an affidavit in the form prescribed by the Regulations stating the place where and the date when the wolf was killed, with such other particulars as may be prescribed by the Regulations, the sheriff, treasurer, police magistrate, clerk of the division court or other officer shall give to the person producing the skin a certificate in the form prescribed by the Regulations. 1 Geo. V. c. 77, s. 3.
- Bounty payable by county.
- 4.** Upon the delivery of such certificate by the person named therein to the treasurer of the county, together with the skin of the wolf, the treasurer shall pay to such person the sum of \$15 as a bounty upon the killing of the wolf. 1 Geo. V. c. 77, s. 4.
- Part of bounty to be recouped county by Province.
- 5.** Upon the delivery of such certificate and the skin of the wolf to the Treasurer of Ontario the corporation of the county shall be entitled to receive the sum of \$6 upon every bounty of \$15 so paid out of such money as may from time to time be appropriated by this Legislature for the payment of wolf bounty. 1 Geo. V. c. 77, s. 5.

6.—(1) Where a wolf has been killed in a provisional judicial district the skin may be produced before a Judge of the District Court, a police magistrate, a clerk of the division court, the sheriff of the district, an agent of the Department of Lands, Forests and Mines, the Clerk of the District Court, a notary public, a commissioner for taking affidavits or a justice of the peace in and for such district. 1 Geo. V. c. 77, s. 6 (1); 3-4 Geo. V. c. 18, s. 44.

Oath and certificate of killing of wolf in district.

(2) Where a wolf has been killed in the Provisional County of Haliburton the skin may be produced before a police magistrate, an agent of the Department of Lands, Forests and Mines, or a clerk of a division court in the Provisional County, a Judge of the County Court of the County of Victoria, the Clerk of the said Court or the sheriff of the said county.

In Haliburton.

(3) Upon the like proof as set forth in section 3 the Judge or officer before whom the skin is produced may give the certificate mentioned in section 3, and upon the delivery of such certificate and the skin of the wolf the person named in the certificate shall be entitled to receive from the Treasurer of Ontario the sum of \$15 out of such money as may be appropriated by this Legislature for the payment of wolf bounty. 1 Geo. V. c. 77, s. 6 (2), (3).

Certificate.

7. Where a claim is made for the payment of bounty for a wolf killed in Algonquin Park, the affidavit may be taken and the certificate may be given by the Superintendent of the Park, and it shall not be necessary to show that the person killing the wolf had the special license provided for by section 9 of *The Provincial Parks Act*. 1 Geo. V. c. 77, s. 7.

When wolf killed in Algonquin Park.

Rev. Stat. c. 52.

8. Before payment of the bounty to the corporation of the County or directly to the person killing the wolf the skin shall be delivered to the Treasurer of Ontario, or to such person as he may designate for that purpose, and shall become the property of the Crown and may be disposed of in such manner as the Lieutenant-Governor in Council may prescribe. 1 Geo. V. c. 77, s. 8.

Skin to be delivered to Treasurer of Ontario.

9. In case of any claim heretofore or hereafter made, whenever the Treasurer of Ontario is satisfied that the person killing a wolf or the corporation of the county which has paid a wolf bounty is justly entitled to receive the bounty, he may direct the issue of a cheque in payment thereof notwithstanding any defect in the affidavit or certificate or any doubt as to the authority of the officer taking such affidavit or giving such certificate, and in such case the Provincial Auditor shall forthwith without further audit or examination countersign such cheque. 1 Geo. V. c. 77, s. 9.

Claims may be paid notwithstanding errors in proofs.

10. The Lieutenant-Governor in Council may make regulations for the better carrying out of the provisions of this Act, and copies of such regulations together with the forms therein prescribed shall be transmitted by the Treasurer of Ontario to the officers mentioned in sections 3 and 6 of this Act. 1 Geo. V. c. 77, s. 10.

SECTION XV.

EDUCATION.

CHAPTER 265.

An Act respecting the Department of Education.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

GENERAL.

1. This Act may be cited as *The Department of Education* Short title.
Act. 9 Edw. VII. c. 88, s. 1.

2. In this Act,—

Interpretation.

- (a) “Council” shall mean the Advisory Council of “Council.”
Education;
- (b) “Department” shall mean the Department of “Department.”
Education;
- (c) “Minister” shall mean the Minister of Education; “Minister.”
- (d) “Registrar” shall mean the Registrar of the Depart- “Registrar.”
ment;
- (e) “Regulations” shall mean regulations made by the “Regula-
tions.”
Minister and approved of by the Lieutenant-
Governor in Council as provided by this Act.
9 Edw. VII. c. 88 s. 2.

3.—(1) There shall be a Department of the Government of Department
Ontario to be known as “The Department of Education,” of Education.
which shall be presided over by the Minister of Education.

(2) The Lieutenant-Governor in Council may appoint a Deputy Min-
ister and
Registrar.
Deputy Minister of Education and a Registrar of the Depart-
ment of Education. 9 Edw. VII. c. 88, s. 3.

MINISTER OF EDUCATION.

4.—(1) The Minister shall have the administration and Powers of
Minister.
enforcement of the Statutes and Regulations respecting Pub-

He Schools, Separate Schools, Kindergarten Departments, Supervised and Out-door Playgrounds, Consolidated Schools, High Schools, Collegiate Institutes, Continuation Schools, Technical Schools, School Cadet Corps, all Departments of any such schools, Night Schools, School Gardens, School Libraries, Public Libraries, Travelling Libraries, Library Institutes and of all other schools supported in whole or in part by public money which may hereafter be established, unless other provision is made in the Act by which the school is established. 9 Edw. VII. c. 88, s. 4 (1); 3-4 Geo. V. c. 70, s. 39 (1).

(2) The Minister shall have the management and control of Model Schools, Normal Schools, Teachers' Institutes, Summer and Vacation Schools and Schools for the Education of the Deaf and Dumb and the Blind.

(3) The Minister may appoint such Inspectors, Teachers and Officers for purposes of instruction, supervision and administration as he may deem expedient.

(4) Subject to the provisions of this Act and to the Regulations, the Minister may prescribe the duties of the Registrar and of all other officers of the Department. 9 Edw. VII. c. 88, s. 4 (2-4).

5. Subject to the provisions of any Statute in that behalf the Minister, with the approval of the Lieutenant-Governor in Council, may make Regulations

(a) for the establishment, organization, government, courses of study, and examination of the schools, departments, school cadet corps, school gardens, supervised and out-door playgrounds, institutes and institutions hereinbefore mentioned;

(b) prescribing the fees, if any, to be paid by candidates at departmental examinations, other than high school entrance examinations, and by normal and model school students;

(c) prescribing the fees to be paid to presiding officers and examiners in connection with Departmental Examinations and by whom and in what manner such fees and any other expenses in connection with such examinations shall be borne and paid;

(d) prescribing the accommodation and equipment of school houses and the arrangement of school premises;

(e) authorizing text books for the use of pupils and of teachers in training attending such schools, departments, school gardens, corps, institutes and institutions, and books of reference for the use of teachers and pupils;

- (f) for the management of public, travelling and school libraries and library institutes; Libraries.
- (g) prescribing the qualifications and duties of inspectors, teachers and directors of such schools, departments, corps, school gardens, supervised and outdoor playgrounds, institutes and institutions; Qualification and duties of teachers and inspectors.
- (h) for conducting the examinations prescribed by the Regulations and settling the results thereof; Conducting examinations.
- (i) for granting temporary, interim, special, permanent, and renewed certificates of qualification to teachers; Teachers' certificates.
- (j) for the payment of the superannuation allowances of inspectors and teachers; Superannuation allowances.
- (k) for the apportionment and distribution of all money appropriated by this Legislature for educational purposes, including sums granted for public and travelling libraries and the maintenance of historical, literary and scientific institutions; Apportionment of legislative grant.
- (l) for the affiliation with any University in Ontario or with the Normal or Model Schools of such Collegiate Institutes, High Schools, Public Schools or Separate Schools as he may deem necessary for practical instruction in the art of teaching; Affiliating certain schools with other institutions.
- (m) for accepting such courses and examinations as he may deem adequate for the academic and professional training of teachers; Accepting courses and examinations in pedagogy.
- (n) for the conduct of the business of the Advisory Council of Education. 9 Edw. VII. c. 88, s. 5; 3-4 Geo. V. c. 70, s. 39 (2). Conduct of business of council.
- 6.—(1)** It shall be the duty of the Minister and he shall have power, Powers and duties of Minister.
- (a) to apportion all sums of money appropriated as a general grant for urban public and separate schools among the several cities, towns and villages according to the population of each as compared with the population of all the urban municipalities in Ontario according to the last annual returns received from municipal clerks; Apportionment of general grant for urban schools.
- (b) to divide the amount so apportioned to each city, town and village between the public and separate schools therein, according to the average number of pupils who attended such schools respectively during the next preceding calendar year; Division between Public and Separate schools.
- (c) to pay, on or before the first day of August in each year, the grants so apportioned to the treasurer of public schools. Payment of grants to public schools.

each city, town and village, for payment to the respective boards of public schools upon the warrants of the inspectors;

Apportionment
of special
school grants.

(d) subject to the Regulations, to apportion all sums of money appropriated as a special grant for urban public and separate schools among the several cities, towns and villages on the basis of the grade of the teachers' certificates and the length of their successful experience;

Payment of
special grant
to public
schools.

(e) to pay, on or before the first day of August in each year, the grants so apportioned to the respective boards of public school trustees upon the warrants of the public school inspectors;

Payment of
grants to sep-
arate schools.

(f) to pay, on or before the first day of August in each year, the grants so apportioned to the respective boards of separate schools upon the warrants of the inspector of separate schools;

Apportionment
of grant for
rural schools.

(g) subject to the Regulations, to apportion all sums of money appropriated as a general grant for the rural public and separate schools amongst such rural schools on the basis of the salaries paid to the teachers, the value of the equipment, the character of the accommodation, the grade of the teachers' professional certificates, the length of their successful experience and the amount of the municipal or school assessments;

Payment of
grants to
rural schools.

(h) to pay, on or before the first day of August in each year, the grant so apportioned to the rural public and separate schools in counties, to the treasurer of the county, and through him, except when he acts as sub-treasurer also, to the township treasurers for payment by them to the boards of rural public and separate school trustees upon the warrants of the inspectors of public and separate schools;

Payments of
grants to rural
schools in
districts.

(i) subject to the Regulations, to pay the grants so apportioned to rural public and separate schools in provisional judicial districts to the respective boards of trustees on or before the first day of August in each year or in two equal instalments, the first on or before the 1st day of August and the second on or before the 1st day of December;

Apportionment
of grants to
assisted
schools.

(j) subject to the Regulations, to apportion to public and separate school boards in poor rural districts and to the residents of lumber, mining and other settlements all sums of money appropriated for assisted schools;

Apportionment
of high school
grant.

(k) subject to the Regulations, to apportion all sums of money appropriated for high school purposes

among the several high schools of the Province, on the basis of the salaries paid to teachers, the character of the accommodation and the value of the equipment, after providing a minimum grant for each school which is equipped in accordance with the Regulations, and notice of such apportionment shall be given to the county clerk of each county so that the county grant may be paid to the treasurer of the board of such school;

- (l) subject to the Regulations, to apportion out of any money appropriated for such purposes all sums payable under any Statute or Regulation towards the maintenance of Faculties of Education in any of the universities, the normal, model or other schools or institutes for the training of teachers, continuation schools and fifth classes, consolidated schools, technical schools, manual training, household science and agricultural departments, school gardens, kindergartens, supervised and out-door playgrounds, night schools, public libraries, travelling libraries, art schools, school libraries, art departments of schools, cadet corps and for free text books, inspection of schools, and the examination of teachers, and to apportion and distribute any other special sums that may from time to time be appropriated for educational purposes; 9 Edw. VII. c. 88, s. 6, cl. (a-l).
- (m) subject to the Regulations, to apportion all sums received by the Government of Ontario for the purposes of agricultural education from any other source than an appropriation by this Legislature among high schools, continuation schools and public and separate schools of the Province; 2 Geo. V. c. 76, s. 2.
- (n) to accept in lieu of the departmental courses and examinations prescribed for candidates for teachers' certificates such evidence of academic scholarship or professional training or experience as he may deem equivalent thereto;
- (o) to submit a case on any question arising under *The Public Schools Act*, *The High Schools Act* or *The Separate Schools Act*, or this Act to a Judge of the Supreme Court for his opinion and decision, or by the leave of a Judge of such Court, to a Divisional Court for its opinion and decision;
- (p) to determine all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and all appeals made to him from the decision of an inspector or other school officer;

Apportionment of grant made for certain purposes.

Apportionment of grants for agricultural education.

Accepting other qualifications in lieu of departmental examinations.

Submitting questions arising upon school law to Supreme Court. Rev. Stat. c. 266. Rev. Stat. c. 268. Rev. Stat. c. 270.

Power to settle disputes and complaints.

Suspension or
cancellation
of certificates.

(g) to suspend or cancel any certificate of qualification granted by the Department;

Power to
appoint com-
missioners.

(r) to appoint as a Commissioner one or more persons, as he may deem expedient, to inquire into and report upon any school matter, with power to administer oaths to witnesses, and with all the powers which may be conferred on commissioners under *The Public Enquiries Act*; and

Rev. Stat.
c. 18.

Annual report

(s) to report annually to the Lieutenant-Governor upon the condition of education in Ontario, with such suggestions for the improvement thereof as he may deem expedient. 9 Edw. VII. c. 88, s. 6 cl. (m-r).

Division of
of legislative
power between
public and
separate
schools.

(2) The Minister shall so divide the sums appropriated for the purposes mentioned in clauses (d) and (g) of subsection 1 that out of each of them there shall be allotted to the Separate Schools a sum which bears the same ratio to the whole sum appropriated as the average number of pupils who attended such schools during the next preceding calendar year bears to the whole average number of pupils who attended both Public and Separate Schools during that year, and that the residue shall be allotted to the Public Schools, and, subject to the Regulations, shall apportion among the Public Schools the sums so allotted to them and among the Separate Schools the sums so allotted to them on the respective bases mentioned in clauses d and g.

Allocation of
of grants for
separate
purposes.

(3) All money appropriated for any of the following purposes mentioned in clause l of subsection 1, that is to say:

(a) Fifth classes;

(b) Manual training, household science, art and agricultural departments;

(c) School gardens;

(d) Kindergartens;

(e) Night schools;

f) Free text books;

g) Other educational purposes not specially mentioned in the said clause l;

which is applied for the purposes of primary education shall be allotted, divided and apportioned as provided by subsection 2.

Meaning of
primary
education.

(4) Primary education for the purposes of subsection 3 (a) means education in the Public or Separate Schools.

Disposal of

(5) Any part of the sums appropriated for the purposes mentioned in subsection 2 and 3, and allotted to the Public Schools as provided by subsection 2, which shall not be required to pay the amounts to which such schools shall be

entitled on the respective bases mentioned in clauses *d* and *g* of subsection 1, shall lapse and become part of The Consolidated Revenue Fund, and in like manner any part of the sums allotted to the Separate Schools which shall not be required to pay the amounts to which such schools shall be entitled on the respective bases mentioned in clauses *d* and *g* of subsection 1 shall lapse and become part of The Consolidated Revenue Fund. 10 Edw. VII. c. 102, s. 1; 2 Geo. V. c. 76, s. 28.

SUPERINTENDENT OF EDUCATION.

7. The Lieutenant-Governor in Council may appoint a ^{Appointment of Superintendent.} Superintendent of Education who shall hold office during pleasure. 9 Edw. VII. c. 88, s. 7.

8. The Superintendent of Education shall have, subject to ^{Duties and powers.} the direction of the Minister and to the provisions of any Act or Regulation, the general supervision and direction of all classes of High Schools, Public Schools, Separate Schools, Technical Schools, professional training schools and the Departmental Examinations for Teachers, Teachers' Institutes, Art Schools, and School Libraries, and of the Inspectors of any of such schools, and shall make such recommendations to the Minister as he may deem expedient with respect to any matters arising out of such supervision and direction. 9 Edw. VII. c. 88, s. 8.

ADVISORY COUNCIL OF EDUCATION.

9. There shall be an Advisory Council of Education com- ^{Advisory Council of Education, how composed.} posed of

- (a) The President of the University of Toronto for the time being who shall be chairman;
- (b) The Superintendent of Education who shall, subject to the direction of the Minister, represent him, but shall have no vote;
- (c) Three additional members representing the University of Toronto, to be elected by the Senate of the University;
- (d) Four members representing, respectively, Queen's University, McMaster University, Ottawa University, and the Western University, one to be elected by the Senate of each University;
- (e) Two members elected by and representing the High School Teachers;
- (f) Four members elected by and representing the Public School Teachers;

- (g) One member elected by and representing the Separate School Teachers;
- (h) Two members elected by and representing the Public School Inspectors, and
- (i) Two members elected as hereinafter mentioned and representing the School Trustees of the Province. 9 Edw. VII. c. 88, s. 9.

10.—(1) The Council shall be a consultative committee to confer with the Minister on such subjects only as he may submit to it or to its committees.

(2) The Council shall have power, subject to the Regulations, to make rules for the conduct of its own business. 9 Edw. VII. c. 88, s. 10.

11. No person who is directly or indirectly, alone or with another, as principal or agent, by himself or by the interposition of a third person financially interested in the preparation, publication, authorization or sale of any text book or other book or of any map or chart or other apparatus for use in any of the schools, continuation classes, departments or institutes which are under the direction and regulation of the Minister shall be eligible as a member of the Council or sit or vote thereon, and any member of the Council who becomes so financially interested shall thereby vacate his office. 9 Edw. VII. c. 88, s. 11.

12.—(1) The meetings of the Council and of its committees shall be called by the Minister.

(2) The Registrar shall attend the meetings of the Council and shall act as secretary thereof. 9 Edw. VII. c. 88, s. 12.

13.—(1) Every representative of a University shall be elected from among the members of the Senate of the University, and each of the other elected members of the council shall be elected from among the members of the body which he represents and shall possess the same qualifications as are prescribed by this Act for the electors of such body.

(2) At an election of a representative of a University every member of the Senate thereof shall have the right to vote, and in other respects each Senate shall elect its representatives in such manner as it may deem expedient.

(3) The representatives of the high school, public school and separate school teachers, and of the public school inspectors, shall be elected by ballot as provided in this Act. 9 Edw. VII. c. 88, s. 13.

14.—(1) Every elected member of the Council shall hold office for three years and until his successor is elected.

(2) A member of the Council who retains his qualification ^{Eligible for re-election.} shall be eligible for re-election. 9 Edw. VII. c. 88, s. 14.

15.—(1) Every teacher who holds a permanent certificate of qualification granted by the Minister and who is engaged ^{What teachers may vote.} in teaching in a school for which such permanent certificate qualifies such teacher shall be entitled to be entered on the list of teachers of that class and to vote at the election of a representative thereof.

(2) Every public school inspector engaged in the performance of the duties of that office shall be entitled to be entered on the list of inspectors qualified to vote for representatives of public school inspectors, and to vote at any election of such representatives. 9 Edw. VII. c. 88, s. 15. ^{What inspectors may vote.}

16. Whenever a general election of representatives is to be held the Registrar shall, as soon as may be after the receipt of the respective lists of qualified electors, make up and complete and enter on separate registers an alphabetical list of the names with the post office addresses of all persons belonging to each class of electors, except the members of a University Senate, entitled to elect representatives. 9 Edw. VII. c. 88, s. 16. ^{Lists of electors.}

17.—(1) On or before the first Wednesday of October in each year in which a general election is to be held every high school, public school and separate school inspector shall furnish to the Registrar a list of the names of all teachers in the schools in his inspectorate who are entitled to vote, with their post office addresses. ^{Lists of teachers.}

(2) On or before the same date the Registrar shall prepare a list of the public school inspectors who are entitled to vote. ^{Lists of Inspectors.}

(3) Where by reason of a vacancy in the office, illness, absence or any other cause, there is no inspector or registrar able to furnish a list of voters the Minister may require ^{Vacancy in office of inspector or registrar.} some competent person to furnish the same. 9 Edw. VII. c. 88, s. 17.

18.—(1) No teacher or inspector shall be elected who has not been nominated in writing signed by at least six of the persons who are entitled to vote as members of the electing body to which such teacher or inspector belongs. ^{Nominations of candidates.}

(2) Every nomination paper shall contain the name and post office address of each candidate nominated therein and the post office address of each person signing such nomination paper, and shall be delivered at the office of the Registrar before four o'clock in the afternoon of the first Wednesday of October in the year in which the election is to be held, but not earlier than two weeks before that day, and nomination papers received by the Registrar by post within that time shall be deemed to be duly delivered to him. ^{Nomination papers.}

Invalid nomination papers.

(3) A nomination paper which does not comply with the provisions of this section shall be null and void. 9 Edw. VII. c. 88, s. 18.

Election by acclamation.

19. If the number of candidates nominated does not exceed the number of representatives to be elected, the person or persons so nominated shall be deemed to be elected and the Registrar shall forthwith report the result with the names and post office addresses of the persons so elected to the Minister. 9 Edw. VII. c. 88, s. 19.

Proceedings when vote to be taken.

20.—(1) Where a greater number of candidates are nominated than the number of representatives to be elected by any electing body, an election shall be held and the Registrar shall send by post on or before the third Wednesday of October in the year in which the election is to be held a voting paper, Form A, to each person qualified to vote at such election together with a list giving the names and post office addresses of all the candidates nominated.

Voting papers.

Who may vote and for whom.

(2) Each person qualified to vote shall be entitled to as many votes as there are members to be elected to represent the electing body to which he belongs, but may not give more than one vote to any one candidate.

Damaged voting paper.

31. If a voting paper is accidentally so damaged as to be unfit for use, the person to whom it was sent by the Registrar may return it to him and obtain another to be used in its place, but no second voting paper shall be furnished to any elector unless the first one is returned so damaged. 9 Edw. VII. c. 88, s. 20.

When voting papers to be delivered.

21.—(1) The voting papers shall be delivered to the Registrar between ten o'clock in the forenoon and four o'clock in the afternoon of any day between the third Wednesday of October and the first Wednesday of November, both days included, in any year in which an election is held; and any voting paper received by the Registrar by post within such dates before four o'clock in the afternoon of the last named day shall be deemed to be duly delivered to him.

Counting the votes.

(2) Upon the Thursday next after the first Wednesday of November, at ten o'clock in the forenoon, the voting papers shall be opened by the Registrar, with such assistance as the Minister may deem necessary, in presence of the scrutineers to be appointed as hereinafter provided, who shall examine and count the votes and keep a record thereof in proper books to be provided by the Minister. Any candidate at the election may be present at the opening of the voting papers or be represented by not more than one agent appointed by him in writing. No voting paper which has not been furnished by the Registrar shall be counted.

Appointment of scrutineers.

(3) The Ontario Educational Association at its Easter meeting previous to the election, or in default the President

of the University of Toronto, shall appoint one person; and such person and a person appointed by the Minister shall act as scrutineers at the election.

(4) If an elector votes for more candidates than there are representatives to be elected by the electing body to which he belongs his vote shall be invalid and shall not be counted. Voting for more than allowed.

(5) If an elector places upon his voting paper the name of any person who is not a qualified candidate the vote in favour of any qualified candidate who is properly voted for shall not be invalidated, and such voting paper shall be acted upon as if the name of the person who was not qualified had not been inserted. Elector voting for persons not candidates.

(6) Upon the completion of the counting of the votes and of the scrutiny the Registrar shall declare elected as a member or members of the Council the candidate or the required number of candidates who have received the highest number of votes cast by the respective bodies of electors, and shall forthwith report the same in writing signed by himself and by the scrutineers to the Minister. Declaration of results.

(7) Where there is an equality of votes cast for two or more candidates, which leaves the election of one or more members of the Council undecided, the scrutineers shall forthwith put into a ballot box a number of similar papers with the names of the candidates having such equality of votes written thereon, one for each candidate, and the Registrar shall draw by chance from the ballot box in presence of the scrutineers one or more of the papers sufficient to make up the required number, and the person or persons whose name or names are upon the paper or papers so drawn shall be deemed to be elected. 9 Edw. VII. c. 88, s. 21. Equality of votes.

22. The representative of each of the Universities mentioned in section 9 shall be elected on or before the first Wednesday in November of the year in which a general election is to be held, and notification of the names of the persons elected shall be sent forthwith to the Minister by the Registrar of each University. 9 Edw. VII. c. 88, s. 22. Date of election of university representatives.

23.—(1) Where default is made in the election of the required number of representatives of any University or of any of the bodies authorized to elect representatives to the Council, at the time prescribed therefor, the Minister may fill the vacancy, but no person shall be appointed who is not a qualified member of the body which he is to represent. Default of election.

(2) Where the office of a representative of any University becomes vacant for any cause before the expiration of his term of office, the Senate of the University shall, as soon as may be convenient, elect another representative to fill the vacancy, and if the vacancy is not so filled within one month the Minister may appoint a member of the Senate of the University to fill the vacancy. Vacancies in University representation, how filled.

Vacancies in representation of teachers or inspectors, how filled.

(3) Where a member of the Council representing the public school inspectors or representing one of the bodies of teachers vacates his office from any cause before the expiration of his term of office the candidate for such office who at the last preceding election had the highest number of votes next after the candidate or candidates elected, or if such candidate has already become a member or is unwilling or unable to accept the office or is the member vacating the office, the candidate at the last preceding election who received the second or next highest number of votes shall, if he is willing to accept the office, forthwith become a member in place and for the remainder of the unexpired term of the representative so vacating his office and as soon as convenient shall be notified by the Registrar that he has become a member of the Council.

Equality of votes in such cases.

(4) Where by reason of two or more of such candidates having received an equal number of votes the question of filling a vacancy cannot be decided as provided by subsection 3 it shall be decided by chance in the manner provided by subsection 7 of section 21.

When vacancy may be filled by Minister.

(5) Where there is no such candidate to fill the vacancy or none willing to accept the office, or if for any reason a vacancy cannot be filled under any of the preceding provisions, the vacancy may be filled by the Minister by the appointment of a qualified member of the body to be represented. 9 Edw. VII. c. 88, s. 23.

Election and term of office of representatives of trustees.

24.—(1) The members representing the school trustees shall be elected by the members of the trustee section of the Ontario Educational Association at an annual meeting thereof, and such election shall be conducted in all respects in such manner as the majority of the members of such section shall deem expedient.

Temporary vacancy.

(2) A vacancy occurring at any time in such representation may be filled at the next annual meeting of the Association. 9 Edw. VII. c. 88, s. 24.

Vacating office.

25. A member of the Council who ceases to reside in Ontario or to possess the required qualification, or becomes insane, or is convicted of an indictable offence shall *ipso facto* vacate his office. 9 Edw. VII. c. 88, s. 25.

SEPARATE SCHOOLS.

Powers of Minister as to separate schools.

26. Subject to the provisions of this Act every power, right and authority now by law vested in or held, had or possessed by the Minister or by the Department of Education in respect to Roman Catholic Separate Schools or to any matter or thing pertaining to or affecting such Separate Schools shall be vested in and held, had and possessed by the Minister. 9 Edw. VII. c. 88, s. 26.

REGULATIONS AND ORDERS IN COUNCIL.

27.—(1) Every Regulation and every Order in Council made under the authority of this Act or of the Acts relating to Public Schools, Separate Schools or High Schools shall be laid before the Assembly forthwith if the Assembly is then in session, and if the Assembly is not then in session, within the first seven days of the next session after such Regulation or Order in Council was made.

Regulations and Orders in Council to be laid before the Legislative Assembly.

(2) Where the Assembly at such session, or if the session does not continue for three weeks after the Regulation or Order in Council is laid before the Assembly then at the next ensuing session, disapproves by resolution of such Regulation or Order in Council, or of any part thereof, the Regulation or Order in Council, so far as disapproved of, shall have no effect from the time of the passing of such resolution.

Disapproval by Legislative Assembly.

9 Edw. VII. c. 88, s. 27.

PENALTIES.

28.—(1) A teacher, trustee, inspector or other person officially connected with the Department, or with any normal, model, public or high school or collegiate institute, or other institution which is under the management or control of the Department, shall not sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize, or text book, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public, or high school, collegiate institute or other institution aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing.

No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.

(2) For any contravention of subsection 1 a teacher shall incur a penalty of \$50; a trustee shall incur a penalty of \$100; an inspector shall incur a penalty of \$500; and any other person so officially connected shall incur a penalty of \$100.

Penalties for same.

(3) Any person, firm or corporation and any agent of a person, firm or corporation who employs a teacher, trustee, inspector or any other person officially connected with the Department or with any normal, model, public or high school or collegiate institute, or other institution which is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or text book, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute, or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person compensation or remuneration or the equivalent thereof for so doing shall for every such offence incur a penalty of \$500.

Penalty against business firm or agent.

Gifts, etc., to
be *prima facie*
evidence.

(4) Any gift or payment made to a teacher, trustee, inspector or other person so officially connected by any person, firm or corporation interested either as principal or agent in any such sale shall be *prima facie* evidence of a violation of this section.

Recovery of
penalties.
Rev. Stat. c. 90.

(5) The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*.

Application of
penalties.

(6) The penalties recovered under this Act shall be applied to such purposes as the Minister may direct.

Consent of
Attorney-
General to
prosecution.

(7) No prosecution for any of the penalties mentioned in this section shall be instituted without the written consent of the Attorney-General or his deputy.

Sale in ordi-
nary course
of business
excepted.

(8) This section shall not apply to sales made by a trustee who is a merchant or book seller in the ordinary and regular course of his business as such and made at his shop or place of business. 9 Edw. VII. c. 88, s. 28.

SCHEDULE.

FORM A.

(Section 20 (1).)

VOTING PAPER.

Advisory Council of Education.

Election,

19 .

I, resident at , in the County of , do
hereby declare :

(1) That the signature affixed hereunto is my proper handwriting :

(2) That I vote for the following person (*or persons, as the case may be*) as member (*or members, as the case may be*), of the Advisory Council of Education, viz. :

A.B., of , in the County of , etc. ;

(3) That I have not signed any other voting paper ;

(4) That this voting paper was executed on the day of the date
hereof ;

(5) That I vote in my right as Public School Inspector (*or Public School Teacher, or Separate School Teacher, or High School Teacher, as the case may be*) ;

(6) That my permanent professional certificate is dated
and numbered

Witness my hand this day of 19 .

9 Edw. VII. c. 88, Schedule, Form A.

CHAPTER 266.

An Act respecting Public Schools.

WE, HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

GENERAL.

- Short title. 1. This Act may be cited as *The Public Schools Act*. 9 Edw. VII. c. 89, s. 1.
- Interpretation. 2. In this Act:—
- “Board.” (a) “Board” shall mean a Board of Public School Trustees;
- “County Inspector.” (b) “County Inspector” shall mean the Inspector appointed for a County Inspectorate;
- “County Inspectorate.” (c) “County Inspectorate” shall mean a county or portion of a county or portions of two or more counties for which an Inspector is appointed, but shall not include a city or separated town for which an Urban Inspector is appointed;
- “District Inspector.” (d) “District Inspector” shall mean an Inspector appointed for a District Inspectorate;
- “District Inspectorate.” (e) “District Inspectorate” shall mean an inspectorate composed of territory outside of county organization;
- “Inspector.” (f) “Inspector” shall mean Public School Inspector;
- “Inspectorate.” (g) “Inspectorate” shall mean the territory for which an Inspector is appointed;
- “Minister.” (h) “Minister” shall mean Minister of Education;
- “Ratepayer.” (i) “Ratepayer” shall mean any person entered on the last revised assessment roll of the school section for public school rates and for the purposes of a school meeting shall include a farmer’s son as defined by *The Municipal Act*;
- Rev. Stat. c. 192. (j) “Regulations” shall mean regulations made under *The Department of Education Act*;
- “Regulations.” (k) “School section” and “section” shall include a part of one or more township municipalities under the jurisdiction of one public school board;
- “School section.”

- (l) "School site" shall mean the land necessary for a "School site," schoolhouse, playgrounds, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium and offices connected therewith;
- (m) "Secretary" or "Treasurer" shall include a secre- "Secretary" or
tary-treasurer; "Treasurer."
- (n) "Separated town" shall mean a town which does "Separated
not form part of a county for municipal purposes; Town."
- (o) "Teacher" shall mean a person holding a legal cer- "Teacher,"
tificate of qualification;
- (p) "Township" shall include a union of townships; "Township."
- (q) "Township board" shall mean a board having juris- "Township
diction over all the public schools in a township; board."
- (r) "Urban Inspector" shall mean the Inspector "Urban
appointed for an urban inspectorate; Inspector."
- (s) "Urban Inspectorate" shall mean a city or separated "Urban
town not included in a county inspectorate; Inspectorate."
- (t) "Urban municipality" shall mean a city, town or "Urban
village. 9 Edw. VII. c. 89, s. 2. municipality."

3. The Regulations, though not specially referred to, shall Application of
apply to any matter or thing in this Act contained, so far as regulations.
the same are consistent with this Act. 9 Edw. VII. c. 89, s. 3.

4. Nothing in this Act authorizing the levying or collect- Exemption of
ing of rates on taxable property for public school purposes supporters of
shall apply to the supporters of Roman Catholic separate Ruman
schools except that all taxable property shall continue to be Catholic
liable to taxation for the purpose of paying any liability separate
incurred for public school purposes while such property was schools.
subject to taxation for such purposes. 9 Edw. VII. c. 89, s. 4

5. All public school sections or other public school divisions Existing
shall continue as they now exist; all trustees duly elected and school
all officers duly appointed shall continue in office; and all arrangements.
agreements, contracts, assessments and ratebills heretofore continued.
duly made in relation to public schools and existing when
this Act takes effect shall continue subject to the provisions
of this Act. 9 Edw. VII. c. 89, s. 5.

PUBLIC SCHOOLS TO BE FREE.

6.—(1) All schools established under this Act shall be Public schools
free public schools, and every person between the ages of to be free.
five and twenty-one years, except persons whose parents or
guardians are separate school supporters, shall have the
right to attend some such school in the urban municipality

or rural school section in which he resides. 9 Edw. VII. c. 89, s. 6 (1); 2 Geo. V. c. 76, s. 3.

Right to attend kindergarten schools.

(2) Children between the ages of four and seven years may attend kindergarten schools, subject to the payment of such fees as to the board may seem expedient.

Rights of persons having charge of children.

(3) Every corporation, society, agent or person having the custody of a child, and being a public school supporter, shall be entitled to send such child to the public school of the municipality or school section in which the child resides as if he were the child of a ratepayer in such municipality or school section; and every such corporation, society, agent or person shall be subject to the provisions of *The Truancy Act* in the same manner and to the same extent as a ratepayer. 9 Edw. VII. c. 89, s. 6 (2-3).

Rev. Stat. c. 274.

SCHOOL YEAR AND HOLIDAYS.

Terms.

1. (1) The school year shall consist of two terms, the first of which shall begin on the first day of September and shall end on the twenty-second day of December, and the second of which shall begin on the 3rd day of January and end on the 29th day of June. 1 Geo. V. c. 17, s. 55 (1).

Holidays

(2) Every Saturday, every public holiday, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged shall be a holiday in public schools.

In rural school sections.

(3) With the approval of the inspector, the board of a rural school section may substitute holidays in some other part of the year for part of the time herein allowed for Easter and midsummer vacations to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed in each year.

Determining school terms in districts.

(4) When there is no county organization, the inspector, subject to an appeal to the Minister, may determine the length of time, which shall not be less than six months, during which a school shall be kept open each year, and it shall be the duty of the board to keep the school open during the whole of the time so determined. 9 Edw. VII. c. 89, s. 7 (2-4).

RELIGIOUS INSTRUCTION.

Religious exercises.

8. (1) No pupil in a public school shall be required to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his parent or guardian.

Religious instruction.

(2) Subject to the Regulations, pupils shall be allowed to receive such religious instructions as their parents or guardians desire. 9 Edw. VII. c. 89, s. 8.

SCHOOL VISITORS.

9.—(1) Judges, members of the Assembly, and members of municipal councils, shall be school visitors in the municipalities where they respectively reside, and every clergyman shall be a school visitor in the municipality where he has pastoral charge.

Public school visitors defined.

(2) School visitors may visit public schools, may attend any school exercises, and at the time of any visit may examine the progress of the pupils and the state and management of the schools, and give such advice to the teachers and pupils and any others present, as they deem expedient. 9 Edw. VII. c. 89, s. 9.

Their powers

SCHOOL LANDS GRANTED PRIOR TO 24 JULY, 1850.

10. All lands which before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by them and their successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which such lands are now respectively held. 9 Edw. VII. c. 89, s. 10.

School lands granted before 1850 vested in trustees for school purposes.

SELECTION OF SCHOOL SITES BY RURAL BOARDS.

11.—(1) Whenever it is deemed expedient by or it is the duty of a rural school board to erect a new school building, or where a petition in that behalf is presented by twenty-five per centum of the ratepayers of the school section, the board shall select a school site and shall thereupon call a special meeting of the ratepayers to consider the site selected by the board, whether the same be the present site or a new site; and no site shall be adopted, except in the manner herein provided, without the consent of a majority of such meeting.

Selection and change of school site.

(2) In case a majority of the ratepayers present at such special meeting differ from the board as to the suitability of the site selected by it, each party shall then and there choose an arbitrator, and the inspector or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators or a majority of them present at any lawful meeting shall make and publish their award, and may, in and by the award, approve of the site selected by the board or may change the boundaries of the same or may select such other site as the

Arbitration when trustees and ratepayers differ as to site.

Award.

arbitrators or the majority of them deem more suitable for the purpose.

Reconsideration of award.

13. With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider the award and within two months thereafter to make and publish a second award, which award, or the previous one, if not reconsidered by the arbitrators, shall be binding upon all parties concerned for at least five years from the date thereof; but if the boundaries of the section have been altered before any action has been taken by the board to purchase the site, proceedings under this section may be taken for the selection of a site as if no award had been made.

Duration.

Where boundaries altered.

Where failure to appoint arbitrator.

14. If the board or the majority of the ratepayers present at a public school meeting neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator as provided in this Act, the inspector with the arbitrator appointed shall meet and determine the matter; and the inspector in case of such refusal or neglect shall have a second or casting vote if he and the arbitrator appointed do not agree. 9 Edw. VII. c. 89, s. 11.

ACTIONS TO SET ASIDE AWARDS.

Consent of majority of ratepayers to action to set aside award.

15. No action to set aside an award made under this Act shall be undertaken by or at the instance of the board of a rural school section without the consent of the majority of the ratepayers of the section present at a special meeting duly called to consider the advisability of such action being brought. 9 Edw. VII. c. 89, s. 12.

SCHOOL WALLS AND FENCES.

Fence.

16. Any wall or fence deemed necessary by the board or required by the Regulations for the enclosure of the school premises shall be erected and maintained by the board. 9 Edw. VII. c. 89, s. 13.

ENLARGEMENT OF SCHOOL GROUNDS BY BOARD.

Enlargement of school site.

17. Where the area of a rural school site is less than is required by the Regulations the board may, without reference to a special meeting of the ratepayers, enlarge the same so as to conform to the Regulations. 9 Edw. VII. c. 89, s. 14.

ALTERATION OF SECTION BOUNDARIES.

Union of two or more sections.

18.—(1) The council of a township may pass by-laws:

(a) To unite two or more sections in the same township into one section if, at a meeting of the ratepayers in each section called by the board or by the

inspector for that purpose, a majority of the rate-payers present at each meeting request to be united;

(i) But when all the school sections in a township have been consolidated the council may limit the number of trustees constituting the board to not less than six, after at least one month's notice in writing has been given to the secretary of the board of the intention to consider a resolution to that effect, and in such case the council may provide for the election of all trustees by a general vote of the ratepayers of the whole township or divide the township into as many districts as there are trustees to be elected and provide for the election of one trustee for each of such districts;

Constitution of board when all sections united.

(b) To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite any part or parts of an existing section with another section or sections, or with a new section, or to unite parts of existing sections so as to form a new section, in case it clearly appears that all persons, to be affected by the proposed alteration, division or union have been duly notified in such manner as the council may deem expedient of the proposed by-law for that purpose, or of any application made to the council to do so. 9 Edw. VII. c. 89, s. 15 (1); 2 Geo. V. c. 76, s. 4.

Alteration, etc., of school sections.

(2) No such by-law shall be passed later than the first day of June in any year nor shall, subject to the provisions as to the formation, alteration or dissolution of union school sections take effect, except as herein otherwise provided, before the 25th day of December next thereafter, and shall remain in force unless set aside as hereinafter provided, for a period of five years.

Time for passing by-law commencement and duration.

(3) The township clerk shall transmit a copy of such by-law immediately after the passing thereof to the board of every school section affected thereby and to the inspector.

Clerk to send copies to board and inspector.

(4) Where part of a school section has been added to a city or town the council of the municipality in which such section is situate may pass a by-law for the readjustment of the boundaries of the remaining part of such section, notwithstanding the passing of a by-law within five years affecting the limits of such section or adjoining sections. 9 Edw. VII. c. 89, s. 15.

When part of section is added to city or town.

(5) Any section which has been or shall be formed at any time by dividing an existing section shall be deemed to be a new section for all purposes. 1 Geo. V. c. 17, s. 19.

Status of section formed by division of section.

CONSOLIDATED SCHOOLS.

Consolidation
of sections for
consolidated
school.

16.—(1) In case the ratepayers in each of two or more rural school sections, at a special meeting duly called by the board or by the inspector for that purpose, pass a resolution to unite for the purpose of carrying on a consolidated school the council of the township in which the school sections are situate, or in case the school sections are situate in different townships then the council of each of such townships may pass a by-law to consolidate the sections for that purpose.

Corporate
name and
powers of
trustees.

(2) The trustees of such consolidated school section shall be a corporation by the name of "The Board of Trustees of Consolidated School," inserting the name of the school, and shall possess all the powers and perform all the duties and be subject to all the liabilities conferred and imposed by this Act upon the trustees of rural schools, and may also provide for the conveyance of pupils to and from school and for the cost thereof; and they may, subject to the approval of the Minister, select a name for such school.

Maintenance
when in
different
townships or
counties.

(3) Where the sections consolidated are in different townships or counties the provisions of this Act relating to union school sections shall apply to the consolidated school section for the purpose of fixing the proportion of the cost of maintaining the school to be borne by the different parts of such consolidated school section; and each township in which any part of the consolidated section is situate shall levy, collect and pay over its proportion as if such school were a union school.

Original
section to
continue to
elect trustees.

(4) The school sections so consolidated shall maintain their separate identity and each of such sections shall continue to elect trustees as if no consolidation had taken place.

Board of
consolidated
sections.

(5) The trustees so elected shall constitute the board of the consolidated school section.

Trustees of
each section
continued as
a school
corporation.

(6) The trustees elected for each of the sections so consolidated shall continue to be a school corporation and shall have the care of the school buildings and property, if any, which belonged to such section before the consolidation, and shall make such requisitions upon the board of the consolidated school as may be necessary to provide insurance and protection therefor.

Disposal of
property

(7) The trustees of each section, if authorized by the majority of ratepayers present at a meeting duly called for that purpose, shall dispose of such school buildings and property or any part thereof in such manner and on such terms as the ratepayers may determine at such meeting.

Collection of
school rates
from
supporters in
respective
sections.

(8) The board of the consolidated school shall include the respective sums required by each separate section under subsection 6, and shall distinguish the same in their annual requisition upon the municipal council or councils for school funds,

and the sum so required by each separate section shall be levied upon and collected from the taxable property of the public school supporters in that section, and the board of the consolidated school shall pay the same as required to the trustees of the respective separate sections. 9 Edw. VII. c. 89, s. 16 (1, 3-9); 3-4 Geo. V. c. 70, s. 2.

(9) A by-law to form a consolidated school section shall not be passed later than the 1st day of June in any year nor take effect except as herein otherwise provided before the 25th day of December next thereafter, and shall remain in force unless set aside as hereinafter provided for at least three years. 9 Edw. VII. c. 89, s. 16 (10); 3-4 Geo. V. c. 70, s. 3.

When by-law
to be passed—
duration of.

(10) If, at any time after the expiration of three years from the establishment of such school, at a special meeting duly called for the purpose, a majority of all the members of the board of the consolidated school vote in favour of the dissolution of such section, the council or councils of the township or townships in which such section is situate may pass by-laws dissolving such section, and fixing a date for the dissolution, which shall not be less than three months after passing the by-laws nor before the first day of the next calendar year thereafter.

Dissolution of
section.

(11) Upon such dissolution the boards of the separate sections shall have all the powers and perform all the duties of the public school boards as if no such consolidation had taken place, and they may by agreement arrange for the disposition of the property acquired for or used by the consolidated school and adjust all or any claims and matters among themselves relating to such property or school.

Powers and
duties of
boards of
separate sec-
tions after
dissolution.

(12) If any claim or matter is not settled by agreement each board concerned shall appoint an arbitrator and if the number appointed be an even number those appointed shall appoint an additional arbitrator, or if they cannot agree the Minister shall appoint an additional arbitrator; and all differences among the boards shall, subject to the provisions of subsection 3 of section 20, be determined by the arbitrators in the manner provided in *The Arbitration Act*.

Arbitration.

Rev. Stat. c. 65.

(13) The township clerk shall transmit copies of all by-laws passed under the provisions of this section immediately after the passing thereof to the board of every section affected thereby and to the inspector. 9 Edw. VII. c. 89, s. 16 (11-14).

Copies of by-
laws to be sent
to boards and
to inspector.

17.—(1) A board, or any five ratepayers of any one or more of the school sections concerned, may within twenty days by notice filed in the office of the county clerk appeal to the county council of the county in which such section or sections are situate against any by-law of the township council for the formation, division, union or alteration of their

Appeal to
county council.

school section or sections, or against the neglect or refusal of the township council, on application being made to it by a board or any five ratepayers concerned, to form, unite, divide or alter the boundaries of a school section or school sections within the township.

Time for
appeals.

(2) The time for appeal shall run from the date of the by-law complained of or from the date of the meeting at which the council refused to pass the by-law, or from the second meeting after which notice was received by the clerk of the application of the board or ratepayers asking for such by-law to be passed, as the case may be.

Appointment
of arbitrators.

(3) The county council may if it thinks fit appoint a board of arbitrators consisting of not more than five nor less than three competent persons, two of whom shall be the County Judge, or some person named by him, and the inspector, a majority of whom shall form a quorum, to hear such appeal and to form, divide, unite or alter the boundaries of the school section or school sections so far as to settle the matters complained of.

Notice.

(4) Due notice of the alteration or of the determination of the arbitrators shall be given by the inspector to the clerk of the township and to the school boards concerned.

Appeal in
provisional
districts.

(5) In a provisional judicial district the appeal shall be to a board of three arbitrators composed of the Judge of the District Court or some person named by him, the inspector and some person appointed by by-law or resolution of the township council.

(a) The notice of appeal shall be given to the clerk of the township, the inspector and the Judge.

(b) The township council at its first meeting after service of such notice upon the township clerk shall appoint their arbitrator, and the clerk of the township shall forthwith notify the inspector of such appointment.

(c) The Judge upon receipt of the notice of appeal shall notify the inspector in writing of his willingness to act as arbitrator or shall name some person to act in his stead and notify the inspector in writing of such appointment.

(d) When the board is complete the Judge or his nominee shall convene the first meeting of the board and he shall be chairman thereof.

When altera-
tion of
boundaries
shall take
effect.

(6) The alterations or determination of such matters except as herein otherwise provided shall not take effect before the 25th day of December in the year in which the award is made and shall thence continue in full force for the period of five years at least, and thereafter until changed under this Act.

(7) No person shall be nominated or appointed arbitrator who is a member of the township council or who was a member at the time at which the council passed or refused or neglected to pass the by-law. 9 Edw. VII. c. 89, s. 17.

Who may act
as arbitrators.

ADJUSTMENT OF CLAIMS BETWEEN SECTIONS.

18.—(1) On the formation, dissolution, division or alteration of any school section or sections in the same township, in case the boards of the sections interested are unable to agree, the inspector and two other persons appointed by the township council shall as arbitrators value, adjust and determine in an equitable manner all rights and claims consequent upon such formation, dissolution, division or alteration between the respective parts of the township affected, and the determination of the arbitrators or of any two of them shall be final and conclusive.

Adjustment of
claims between
members of
unions in same
township.

(2) Where there are more inspectors than one the township council shall name the inspector who is to act. 9 Edw. VII. c. 89, s. 18.

Where more
inspectors
than one.

SALE OF SCHOOL PROPERTY.

19.—(1) When a school site, school house or other school property is no longer required, in consequence of the alteration or the union of school sections, the same shall be disposed of in such manner as a majority of the ratepayers in the altered or united school sections may decide at a meeting duly called for that purpose.

Disposal of
school pro-
perty when not
required.

(2) Where ratepayers are transferred from one school section to another the board of the section to which they are transferred shall be entitled for the public school purposes of the section to such a proportion of the proceeds of the sale as the assessed value of the property of the ratepayers so transferred bears to that of the whole number of ratepayers of the school section to which they belonged before the separation; and the residue of such proceeds shall be applied to the erection of a new school house or to other public school purposes in the old school section.

Application of
proceeds where
ratepayers
transferred
from one sec-
tion to another

(3) In the case of united sections the proceeds shall be applied to the public school purposes of the united section. 9 Edw. VII. c. 89, s. 19.

Application of
proceeds in
union sections.

VALIDITY OF SCHOOL ARRANGEMENTS AND PROCEEDINGS.

20.—(1) Whenever a school section or a union school section has existed in fact for three months and upwards and whether the same has been formed in accordance with the provisions of the law or not, it shall be conclusively deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as appli-

School sections
and union
sections
confirmed.

able, as if such section had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of such section and notice thereof has been given to the persons who according to the practice of the court in which the proceedings are taken ought to be served with notice thereof, and such proceedings shall result in its being determined that such section has not been legally formed.

no proceedings
invalidated
unless where
so stated
in s. 20.

(2) No proceeding in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, and no arbitration or award in reference thereto or as to any matter which by the provisions of this Act are to be or may be determined by arbitration shall be deemed to be invalid or shall be set aside because of the failure to comply with the provisions of this Act applicable to such proceeding, arbitration or award unless in the opinion of the tribunal before which such proceeding, arbitration or award is called in question the same, if allowed to stand, will cause substantial injustice to be done to the persons affected thereby or some of them.

Jurisdiction
of county or
district judge.

(3) Should any question arise touching the validity of the proceedings in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, or touching the selection, adoption or change of a school site, or touching any by-law of the council of any municipal corporation in any way relating to such matters or any or either of them, or touching any arbitration or award heretofore or hereafter had or made under the provisions or authority of this Act, the same shall not be raised or determined by action or proceeding in the Supreme Court, but shall be raised, heard and determined upon a summary application to the Judge of the County or District Court of the county or district in which such school section or some part thereof is situate, and the decision of such Judge shall be final and conclusive unless special leave to appeal therefrom shall be given by the Supreme Court or a Judge thereof, and if such leave be given an appeal shall lie to the Supreme Court upon question of law only, upon and subject to such terms and conditions as the Court or Judge giving the leave shall prescribe.

County or
District Judge.

(4) Where the question touches an arbitration or award to which the Judge has been a party, the application shall be heard and determined by the Judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census. 9 Edw. VII. c. 89, s. 20.

UNION SCHOOL SECTIONS.

What unions
to be formed.

21.—(1) A union school section may be formed between parts of two or more adjoining townships, or a union may be formed between parts of one or more townships and an

adjoining urban municipality not being a city or a separated town, and in such case the union shall be considered an urban municipality. 9 Edw. VII. c. 89, s. 21 (1).

(2) Except where the section is an urban municipality, Corporate name. the board shall be a corporation under the name of "The Board of Public School Trustees of Union School Section numbers in the ." 3-4 Geo. V. c. 70, s. 4.

(3) A union school section may be formed, altered or dissolved on the petition of five ratepayers from each of the municipalities concerned to their respective councils asking Procedure for formation, alteration or dissolution of union. for the formation, alteration or dissolution of the section.

(4) Each of the councils so petitioned may appoint an arbitrator who shall not be a member of the council, and notice Appointment of arbitrators. of the appointment shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned who shall also be arbitrators.

(5) A council may act upon a petition addressed to the councils concerned or to any two or more of them jointly if Petition to council. such petition is signed by five ratepayers of the municipality acting thereon.

(6) Where there would otherwise be an even number of arbitrators the Judge of the County or District Court, or some person named by him, shall be added, and where the arbitration affects two or more counties or districts the Judge Where even number of arbitrators appointed county judge to act. of the County or District Court of the county or district which has the largest population according to the last Dominion census, or some person named by him, shall be added.

(7) The arbitrators, or a majority of them, may make and Majority award. publish the award.

(8) The first meeting of the arbitrators shall be called by First meeting of arbitrators. the senior inspector who shall give ten days' notice in writing of such meeting to the clerks of the municipalities concerned who shall forthwith notify the arbitrators appointed by their respective councils.

(9) Where the arbitrators determine upon the formation Award, what to contain. of a new union section, or upon the alteration of the boundaries of an existing union section, they shall in their award set forth the specific parcels of land to be included in such new union section or in such altered section as the case may be.

(10) In the event of the transfer of any land from an existing union section to some other section the arbitrators shall Award to set out land transferred. in their award set forth to what other section such transfer shall be made.

(11) Where the arbitrators determine upon the dissolution In case of dissolution. of an existing union section, they shall set forth in their

award the section or sections to which the land composing such union section shall be attached.

Reorganizing
union section.

(12) Where the arbitrators are of opinion that it would be in the interests of the parties concerned, and that it is practicable so to do, they may form part of the territory of a section into a new section, or form a new union section, and they shall indicate the land of which such section or union section shall be composed, and the remainder of the union section shall be disposed of as herein provided.

Fixing pro-
portion of
liabilities.

(13) Where a new union section is formed or an existing union section is altered the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection of the school house and the maintenance of the school and other necessary expenses.

Adjustment
of claims.

(14) The arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of a union section between the respective municipalities, school sections and ratepayers concerned, and shall also determine in what manner and by what municipality or municipalities or by what parts thereof the same shall be paid and the money to be paid by one part of the municipalities or school sections concerned to the union section so formed or altered, and the disposition of the property of the union section, and any payment by one part to the other and the right of any ratepayer affected by the award.

Calling first
meeting to
elect trustees

(15) Where a new union section is formed the inspector authorized under subsection 8 to call the first meeting of the arbitrators shall call the first meeting of ratepayers for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act.

Not to take
effect till the
25th of De-
cember except
for certain
purposes.

(16) Such union, alteration or dissolution, except as herein otherwise provided, shall not take effect until the 25th day of December after the award or a certified copy thereof is filed with the clerks of the municipalities concerned, but the trustees may at any time after their election raise money for and may acquire a school site, erect school buildings and provide school equipment.

Reconsidera-
tion of union
school section
award.

(17) A union school section shall not be altered or dissolved for a period of five years after the award has gone into operation, whether the award does or does not change the boundaries of existing sections, but nothing herein shall prevent a municipal council from enlarging the boundaries of a union section as may be deemed expedient; and two-thirds of the ratepayers of a union section may, at the expiration of three years from the date of its formation, petition the municipal council or councils concerned for a reconsideration of the award for the formation of the section, and the

proceedings shall be the same as in the case of a petition under subsection 3.

(18) Where an award, whether for or against the formation of a new union school section, has not been acted upon the proceedings mentioned in subsection 1 may be taken at any time after the expiration of three years after the award was made. New arbitration after three years.

(19) Where an award, whether for or against the formation of a new union school section, has been adjudged illegal or void the proceedings mentioned in subsections 1 and 3 may be taken at any time after the expiration of the time for appealing against the judgment or decision or after the disposition of any appeal therefrom. New arbitration when award set aside.

(20) In a provisional judicial district,

Case of provisional judicial district.

(a) A union school section may be formed of an organized township or part thereof and an unorganized township or locality, or between a town and a part of an organized township or an unorganized township or locality, and may be altered or dissolved, and in such case the petition of the ratepayers of the part of such proposed union section not included in the organized township shall be presented to the inspector.

(b) The arbitrators shall consist of a person appointed by the council of the organized township, the inspector of the district and the Judge of the district court, or some person named by him, and they shall have all the powers of the board of arbitrators mentioned in the preceding subsections of this section, all of which, so far as applicable, shall apply to the subject matter of this subsection.

(21) The powers conferred by this section may be exercised notwithstanding that the period fixed by subsection 2 of section 15 or by subsection 1 of section 30 has not expired. Alterations of boundaries not to affect power to form unions.
9 Edw. VII. c. 89, s. 21 (2-20).

(22) Where within the period of five years mentioned in subsection 17 the assessment of the union school section is materially altered by reason of any land therein becoming exempt from taxation for public school purposes, such union school section notwithstanding the provisions of that subsection may be altered or dissolved. Alteration or dissolution when assessment materially altered. 3-4 Geo. V. c. 70, s. 5.

22.—(1) Where the territory which it is proposed to form into a union section, or where the union section which it is proposed to alter or dissolve lies wholly within a county, the board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council from any award made by the arbitrators either Appeal relating to union school within a county.

for or against the formation, alteration or dissolution of such section or against the neglect or refusal of the township council or councils concerned to appoint arbitrators as provided in section 21.

Appointment of arbitrators by county council.

(2) On receipt of such appeal the county council shall have power to appoint not more than three arbitrators who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 21, and the decision of a majority of them shall be final and conclusive.

Calling first meeting of arbitrators.

(3) The first meeting of such arbitrators shall be called by the county clerk. 9 Edw. VII. c. 89, s. 22.

Appeal relating to union school within two or more counties.

23.—(1) Where the territory which it is proposed to form into a union section, or where the union section which it is proposed to alter or dissolve lies in more than one county the board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal to the Minister from any award made by arbitrators for or against the formation, alteration or dissolution of such section, or against the refusal or neglect of the township council or councils concerned to appoint arbitrators.

Powers of Minister.

(2) The Minister shall have power to alter, determine or confirm such award, or where no award has been made then at his discretion to appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 21, and the decision of a majority of them shall be final and conclusive.

First meeting of arbitrators.

(3) The first meeting of the arbitrators shall be called by the Minister. 9 Edw. VII. c. 89, s. 23.

Collection of rates in union school sections.

24. The collectors of each municipality in which a part of a union section is situate shall collect the school rates for that part; and the amount collected from the ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and the treasurer shall pay over the same without any charge or deduction to the board entitled thereto. 9 Edw. VII. c. 89, s. 24.

Union sections as a consequence of a division of township.

25. Where a township is divided for municipal purposes into school sections which, in consequence of such division, are situate partly in each of the newly formed municipalities shall be deemed union sections until otherwise altered under the provisions of this Act. 9 Edw. VII. c. 89, s. 25.

Election of trustees, and inspection of union school sections.

26. Every union school section shall, for the purpose of the election of trustees, be deemed one section, and in respect to inspection shall be deemed to be within the municipality in which the school house is situate, or if there are two or more

school houses then in that municipality within which a school house is situate which has the largest amount of property assessed for public school purposes. 9 Edw. VII. c. 89, s. 26.

27. Where a union school section includes an urban municipality divided into wards and part of an adjoining township the board shall by resolution determine in which ward or wards the ratepayers of the township shall vote for the election of school trustees and on other school questions, and in the absence of any such resolution such part of the township shall be considered for all election purposes as attached to the adjacent ward, and if two or more wards are adjacent any such ratepayer may vote in either of such wards 9 Edw. VII. c. 89, s. 27.

Where township ratepayers to vote when urban municipality divided into wards.

28.—(1) Where part of a township becomes incorporated as or is annexed to and becomes part of an urban municipality such part shall for all school purposes be deemed to be part of the urban municipality, provided that when the part incorporated or annexed comprises or includes part only of a school section the municipalities interested, unless determined by agreement after the incorporation or annexation, shall each appoint an arbitrator who, with the Judge of the county or district court, shall value and adjust in an equitable manner the rights and claims of all parties thereby affected, and shall determine by which municipality or part thereof the same shall be paid or settled.

Where part of a township is annexed to urban municipality.

Arbitration to determine rights.

(2) The award shall be final and conclusive, and any money found due, either by agreement or under the award, shall be deemed public school money and shall be payable out of the property taxable for public school purposes in that part of the school section situate within the indebted municipality.

Effect of award.

(3) The provisions of section 44 shall not apply to the money required to be paid under the award or agreement and debentures may be issued to be payable out of the property so taxable without calling a special meeting of the electors and upon the terms and conditions set forth in a by-law of the council of the municipality.

Issue of debentures.

(4) Subject to the provisions of this Act as to the alteration of school boundaries and the formation of union school sections, where a part of a township so incorporated or annexed includes part only of a school section the part remaining shall constitute a school section by the same name as before the incorporation or annexation, and the school corporation shall continue, and the trustees who are in office at the time of such incorporation or annexation shall continue in office until their successors are elected and shall be the Board of Public School Trustees for the part of the section not so included in the urban municipality. The trustees may resume office or be elected for the section in case the Board has been disbanded, and action may be taken by the township council

Status of the part of a school section which is not annexed.

at any time, as provided by this Act, to readjust the boundaries of the portion of the section that is not included in the urban municipality.

Disposition of
assets and
liabilities
upon union of
municipalities.

(6) Where urban municipalities become united all the assets and liabilities of the board of each municipality shall be vested in and assumed by the board of the united municipality. 9 Edw. VII. c. 89, s. 28.

MAINTENANCE OF UNION SCHOOLS.

Assessors to
determine
proportion.

24.--(1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per cent. of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section is situate shall, after they have completed their respective assessments and before the first day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which such section lies. 9 Edw. VII. c. 89, s. 29 (1).

Where
assessment
materially
altered by
exemptions.

(2) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for school purposes the assessors shall, at their next meeting, revise the equalization. 3-4 Geo. V. c. 70, s. 6.

Calling
meeting of
assessors.

(3) The meeting of the assessors shall be called by the assessor of the municipality in which the school-house is situate.

By whom.

(4) Where there are more assessors than one the head of the municipal corporation shall name the assessor who shall act.

Notice of
determination.

(5) Notice of the determination shall be given forthwith to the secretary of the board and to the clerk of each municipality.

Arbitration
where assess-
ors disagree.

(6) Where the assessors disagree, the inspector in whose inspectorate the union section is situate, and the assessors shall be arbitrators to determine the matter and report to the secretary of the board and to the clerk of each municipality, on or before the first day of July.

When school
section lies in
two counties.

(7) Where the union section is composed of parts of two adjoining counties, then on the disagreement of the assessors the inspector of the county in which the school-house of the section is situate shall act with the assessors.

(8) The decision of a majority of the arbitrators shall be final and conclusive until the next equalization of assessments takes effect. Duration of decision of assessors.

(9) The assessors or, in the case of an arbitration, the arbitrators on the request in writing of the inspector or of five ratepayers may within one month after the report of the determination or award to the secretary of the board correct any omission or error in the terms in which the determination or award is expressed. Reconsideration of award.

(10) The costs of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in the same proportion as the equalized assessments bear to each other. 9 Edw. VII. c. 89, s. 29 (2-9). Cost of assessors and arbitrators.

CONFIRMATION OF BY-LAWS AND AWARDS.

30.—(1) A by-law of a municipal council for forming, altering or dissolving a school section, and an award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding for a period of at least five years, or, in case of a consolidated school section, for a period of at least three years, notwithstanding any defect in substance or form, or in the manner or time of passing or making the same unless notice of an application to quash such by-law or to set aside such award is given to the township clerk within one month after the publication of such by-law or award, and the same is subsequently quashed or set aside. Certain by-laws and awards to be valid unless notice to quash given.

(2) Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary of each board of trustees affected thereby. 9 Edw. VII. c. 89, s. 30. What deemed publication of by-law.

(3) Where within the period of five years mentioned in subsection 1 the assessment of a school section is materially altered by reason of any land therein becoming exempt from taxation for school purposes the council may notwithstanding the provisions of subsection 1 make such readjustment of the school section as may be deemed requisite. 3-4 Geo. V. c. 70, s. 7. Re-adjustment when assessment materially altered.

ESTABLISHMENT OF SECOND SCHOOLS IN SECTIONS WHERE ROADS IMPASSABLE.

31.—(1) Where it appears to the Minister that owing to the condition of the roads or other causes the public school in any school section in any township is inaccessible, during certain months of the year, to any of the pupils entitled to attend such school, the Minister may require the council to form a new school section or the board to provide a second school in their section. Establishment of second school.

Determining months in which second school to be open.

(2) The Minister may provide that the second school be opened during such months of the year as he may deem necessary and may prescribe the area from which pupils shall have the right to attend such second school.

Grant.

(3) Any grant in either case from the assisted school fund shall be supplemented by equal amounts from the townships and county councils.

Attendance at school when second school closed.

(4) The provisions of subsection 1 of section 7 shall not apply to a school established under this section, but nothing herein shall relieve the pupils attending such second school from attendance at the public school of the school section during those periods of the school year in which the second school is closed, nor relieve the board of such school section from the duty of providing school accommodation for such pupils during such periods. 9 Edw. VII. c. 89, s. 31.

SECTIONS IN UNORGANIZED TOWNSHIPS.

Formation of school sections.

§2.—(1) The inspector may form an unorganized township or part of an unorganized township or parts of two or more adjoining unorganized townships into a school section.

Limits of section.

(2) The section shall not, in length or breadth, exceed five miles, and, subject to this restriction, the boundaries may be altered by the inspector from time to time.

Petition.

(3) A school section shall not be formed or altered except on the petition of five heads of families resident within the territory affected.

Inspector may transfer land to contiguous school section.

(4) The inspector on the petition of any head of a family who has a child attending school and who lives in one school section or land contiguous to another school section may alter the boundaries of such sections so as to transfer such land from one section to the other, but such transfer shall not relieve the land from any taxation required to meet a liability incurred prior to the transfer, nor shall it be made unless in the opinion of the inspector it is more convenient for the child to attend the school in the section to which the transfer is requested. 9 Edw. VII. c. 89, s. 32 (1)-(4).

Exemption from rate on account of distance.

(5) A person whose place of residence is distant more than three miles by the nearest public highway from the school of the section shall be exempt from all rates for school purposes unless a child of such person attends such school; but this exemption shall not apply to lands liable to taxation for school purposes owned by such person within such distance, nor to the lands of non-residents, nor to the lands of residents in the section who have no children of school age. 9 Edw. VII. c. 89, s. 32 (5); 1 Geo. V. c. 17, s. 55 (2).

Election of school trustees.

(6) After the formation of a section any two of the petitioners may, by notice posted for at least six clear days in not less than three of the most public places in the section, appoint

a time and place for a meeting for the election of three school trustees for the section.

(7) The trustees elected at such meeting, or at any subsequent school meeting of the section, shall have the powers and be subject to all the obligations of public school trustees, and may at any time after their election take the proper steps, in accordance with the provisions of this Act, to raise funds for and purchase a school site and erect school buildings and provide equipment for the school, but in other respects any alteration of the boundaries of a section shall go into operation on the 25th day of December next after such alteration and not before. 9 Edw. VII. c. 89, s. 32 (6), (7). Trustees' powers and obligations.

33.—(1) The inspector shall divide the school sections into groups of three or as near thereto as practicable, and shall notify the secretary of each section of the group to which it belongs, and the grouping may be changed from year to year as the inspector may direct. Sections to be divided into groups.

(2) The treasurers of the boards in a group shall constitute a court for the revision of the school assessment rolls of the sections in the group, and for the hearing and determination of any appeals against the same, and the members of such court shall be paid reasonable travelling expenses by their respective boards for their attendance. Court of Revision.

(3) Where from the sparseness of settlements it would be inconvenient for a court of revision to meet for the revision of the assessment roll of any section, the inspector on the request of any board may assume the functions of a court of revision for the section on behalf of which the request is made, and all the proceedings of the inspector in the matter shall be subject to the provisions of this Act and shall have the same effect as if made in a court of revision constituted under subsection 2. 9 Edw. VII. c. 89, s. 33. When inspector to act as court of revision.

34.—(1) The board shall, annually, at their first meeting and not later than the first day of March in each year appoint an assessor, who may be one of themselves, to prepare an assessment roll for the section, and the secretary shall submit a certified copy of the same to the proper court for revision. Annual assessment roll.

(2) The assessor shall notify every person assessed by leaving a notice containing the particulars of his assessment at his place of residence, or, if a non-resident, by mailing the same by registered post to his last known address, or, if his address is unknown, by posting up the same in the post office nearest to the land assessed. Notice of assessment.

(3) The assessor shall be subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable property in the section, and shall, before returning his assessment roll to the secretary of the board, attach thereto Assessor to make oath.

Rev. Stat. c. 195. a certificate signed by him and verified upon oath according to the form prescribed in *The Assessment Act*.

Return of roll. (4) The assessor shall return the assessment roll to the secretary not later than the first day of June of the year in which the assessment is made.

Appeal against assessment. (5) A copy of the roll so certified shall be open to inspection by all persons interested at some convenient place in the section, notice whereof signed by the secretary shall be posted up by him in at least three of the most public places in the section, and shall state the place and the time at which the court will hear appeals against the assessment.

Posting up notice. (6) The notice shall be posted up for at least three weeks before the time appointed for hearing the appeals, and shall be mailed by registered post to the last known addresses of non-resident ratepayers.

Manner of appeal. (7) Subject to the provisions of clauses (a) and (b), all appeals and the proceedings thereon shall be the same as nearly as may be as in the case of appeals to a court of revision from municipal assessments, and the court of revision shall have the same powers as municipal courts of revision.

(a) The notice of appeal shall be given to the treasurer of the board within one month after the delivery, mailing and posting up of the notice provided for by subsection 2.

(b) The court may appoint a competent person to be its clerk for each section or one for all the sections.

School census. (8) The assessor when making his assessment shall enter in a book to be provided by the board the name, age and residence of every child between the ages of 8 and 14 years resident in the section and the name and residence of such child's parent or guardian and shall with the assessment roll return the book to the secretary.

Census of persons entitled to attend school. (9) The assessor shall make a census of all the children in the section between the ages of 5 and 16 years and between the ages of 5 and 21 years and shall make a return thereof to the secretary with the assessment roll; and the secretary shall include the same in his annual report to the inspector.

Confirmed roll binding. (10) The roll, as finally passed and signed by the chairman of the court of revision, shall be binding upon the trustees and ratepayers of the section until the roll for the succeeding year is passed and signed as aforesaid. 9 Edw. VII. c. 89, s. 34.

Assessment of portion of unorganized township forming, with a union school section. 35.—(1) Any part of an unorganized township which forms part of a union section, the remainder of which is an organized municipality or part of an organized municipality, shall for public school purposes be deemed to be annexed to such organized municipality, and the officers thereof shall make all assessments and collect all taxes and do all such

other acts and perform all such duties and be subject to the same liabilities with respect to the part of the unorganized township forming part of such union section as with respect to any part thereof which lies within the organized municipality. 9 Edw. VII. c. 89, s. 35.

(2) Where a union section is composed of a town in a provisional judicial district and of a portion of any other organized municipality and any part of an unorganized township the part of the unorganized township included in the school section shall, for public school purposes, be deemed to be annexed to the town and form part thereof, and the officers of the town shall make any assessments and collect all taxes and do all such other acts and perform such duties and be subject to the same liabilities with respect to the part of the unorganized township forming part of such union section as with respect to the town. 2 Geo. V. c. 76, s. 5.

Idem. Where joined with a town in a judicial district.

36.—(1) In unorganized townships the board of a section may issue debentures for the purchase of a school site and the erection of a school-house, for such amounts and for such term of years, not exceeding thirty, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided by *The Municipal Act*, provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section.

Issuing debentures for school sites and houses

(2) The debentures shall be signed by the trustees and shall be sealed with the corporate seal of the board, and shall be a charge upon the taxable property of the public school supporters of the section. 9 Edw. VII. c. 89, s. 36.

Rev. Stat. c. 192.

Signing and sealing debentures.

(3) The Lieutenant-Governor in Council may for and in the name of the Province guarantee the payment of any debentures issued by a school board under the authority of this section. 3-4 Geo. V. c. 70, s. 8.

Provincial guarantee of such debentures.

37.—(1) The board may appoint some competent person who may be a member thereof to collect the rates imposed by them upon the ratepayers of their section, or the sums which the inhabitants or others may have subscribed, and may pay to such collector at the rate of not less than five nor more than ten per centum on the moneys collected by him; and every collector shall give security satisfactory to the board and the security shall be lodged for safe keeping with the inspector.

Appointment and duties of school collector.

(2) Every collector shall have the same powers in collecting the school rate or subscriptions, and shall be under the same liabilities and obligations and proceed in the same manner in the section or township, as a township collector in collecting rates in his township as provided by *The Assessment Act*.

Powers and liabilities of school collector.

(3) The collector shall, on or before the first day of June in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the county or territory.

Return of arrears of taxes in unorganized territory.

district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of such return with the year for which the rates so in arrear were imposed.

Entry in
sheriff's book.

(4) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Payments of
arrears there-
after.

(5) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the same became due, but in the case of payments made before the expiration of such period the collector shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book kept by him.

When arrears
to be paid to
sheriff.

(6) After the expiration of such period all such arrears shall be payable to the sheriff who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board.

Sale of land
for arrears.

(7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the same became payable the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities. 9 Edw. VII. c. 89, s. 37.

SCHOOLS IN UNSURVEYED DISTRICTS.

Schools in
unsurveyed
districts.

38.—(1) In any part of Ontario not surveyed into townships five of the inhabitants thereof who are twenty-one years of age may call a public meeting of such inhabitants, by giving such notice of the meeting as the public school inspector shall direct.

Election of
trustees.

(2) The meeting may elect three of the inhabitants to serve as public school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of this Act.

Notice to the
Minister of
Education.

(3) On receipt of a report from the inspector that a public school has been established and suitable accommodation and equipment provided for public school purposes the Minister may pay over to the trustees, out of the appropriation made by this Legislature for public schools, such sum of money for the maintenance of such school as may be approved by the Lieutenant-Governor in Council. 9 Edw. VII. c. 89, s. 38.

EXEMPTIONS.

39. No by-law of a municipal council passed after the 14th day of April, 1892, or hereafter passed, for exempting any part of the rateable property in the municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind. 9 Edw. VII. c. 89, s. 39. Exemption by-laws not to include school taxes.

RETURN OF ANNUAL CENSUS.

40.—(1) The clerk of every county shall make a return to the Minister showing the population of each local municipality within the county, and the clerk of every city and of every separated town shall make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous years, such returns to be made on or before the first day of April in each year. Clerks to make returns of population.

(2) The clerk of every county shall furnish the inspector forthwith on demand with such school statistics in regard to assessments as the Minister may direct. 9 Edw. VII. c. 89, s. 40. Clerk to furnish inspector with school statistics.

41.—(1) The clerk of every township shall give to the inspector when requested by him, a statement of the assessed value of each school section as shown by the last revised assessment roll, and at the request of any board shall furnish them with a statement showing the several parcels or lots of land composing the school section, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel or lot, and the number of children between the ages of five and sixteen years in each section, and the cost of preparing this statement shall be paid by the board applying for the same. Clerk to give copy of assessment to inspector.

(2) The clerk of every township in which a section is situated which is wholly or in part united to an urban municipality, shall give to the clerk of the urban municipality such information as may be required regarding population and assessment in connection with such section. 9 Edw. VII. c. 89, s. 41. Statement to be furnished to urban municipality by clerk of township.

APPORTIONMENT OF INVESTMENTS BY TOWNSHIPS.

42. The council of every township may by by-law apportion among the school sections in the township the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid to the teachers engaged by the respective boards during the past year, or according to the average attendance of pupils in each section during the same period. 9 Edw. VII. c. 89, s. 42. Apportionment of school money by township councils.

BORROWING POWERS.

In Urban Municipalities.

43.—(1) The council of an urban municipality, on the application of the board, may pass a by-law for borrowing money by the issue and sale of debentures for any one or more of the following purposes:

- (a) The purchase or enlargement of a school site;
- (b) Obtaining and conveying, from beyond the school premises if necessary, a supply of water;
- (c) The erection of a school-house, drill hall, gymnasium or teacher's residence, or any addition to the same or any of them;
- (d) Repairs or improvements of the school property;
- (e) The purchase of furniture, furnishings, school apparatus, a school library and other equipment;

and it shall not be necessary that the by-law shall be submitted to the electors for their assent. 9 Edw. VII. c. 89, s. 43 (1); 2 Geo. V. c. 76, ss. 6, 7.

(2) The debentures and the money to be raised annually for payment thereof shall be chargeable only upon the property of ratepayers who are supporters of public schools. 9 Edw. VII. c. 89, s. 43 (2).

(3) Where the council refuses to pass such a by-law the question shall be submitted by the council, if requested by the board, to the vote of the electors qualified to vote under *The Municipal Act* on money by-laws and who are supporters of public schools, in the manner therein provided, and on the assent of such electors being obtained the council shall pass the by-law and issue such debentures; and it shall not be necessary that the by-law shall be submitted to the electors for their assent. 9 Edw. VII. c. 89, s. 43 (3); 2 Geo. V. c. 76, s. 7.

(4) The debentures may be for such amount and for such term of years, not exceeding thirty, as the council sees fit, or the council may make the principal and interest payable by annual or other instalments, in the manner provided in *The Municipal Act*.

(5) The application for the issue of debentures by the board of an urban municipality to which part of an adjoining township is attached shall be subject to the provisions of this section. 9 Edw. VII. c. 89, s. 43 (4-5).

(6) Where the amount provided by a by-law passed under the authority of this section proves insufficient for the purposes for which the by-law was passed the council may pass another by-law for borrowing the remainder of the money

required for such purposes; and all the provisions of this section shall apply to such by-law. 3-4 Geo. V. c. 70, s. 9.

In Rural Sections.

44.—(1) On the application of a rural school board for the issue of debentures for any of the purposes mentioned in the next preceding section the council of the township shall pass a by-law therefor, and shall forthwith issue debentures to be payable out of the taxable property of the public school supporters of the section in such annual amounts as they may deem expedient, provided always that the proposal for the loan has been submitted to and sanctioned at a special meeting of the ratepayers called for the purpose.

Township school debentures.

(2) The application for a loan for any of such purposes shall be made by the board of a union school section to the council of the municipality within which the school-house or school site of such section is situate, and all debentures for the payment of the loan shall be issued by the corporation of such municipality.

To what council applications for loans to be made.

(3) The application must be sanctioned by the ratepayers of the school section in the manner set forth in subsection 1.

Sanction by ratepayers.

(4) The corporation or corporations of any other municipality or municipalities forming, or any part of which forms, part of the union section shall, on the requisition of the clerk of the municipality by which the debentures were issued, pay its or their share of the loan, including interest, as it comes due according to its or their liability as determined by section 29.

Municipality forming part of union section to pay its proportion.

(5) The proportion of the moneys payable by the corporation of each of the municipalities shall be payable out of the taxable property of the public school supporters therein lying within the section.

How payable.

(6) The expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such section.

Expenses of publishing by-laws.

(7) Notwithstanding any alteration which may be made in the boundaries of a section the taxable property of the public school supporters situate therein at the time when such loan was affected shall continue to be liable for the rate which may be levied for the repayment of the loan. 9 Edw. VII. c. 89. s. 44.

Liability for loan where boundaries altered.

45.—(1) A rural school board may require the council to raise by one yearly rate such sums as may be necessary for the purchase or enlargement of a school site, or the erection of a school-house, or an addition thereto, or a teacher's residence.

School property may be paid for by one special rate.

Council not to levy more than one rate except in certain cases.

(2) A municipal council shall not levy or collect during any one year more than one school rate except for one or more of the purposes mentioned in subsection 1. 9 Edw. VII. c. 89, s. 45.

School corporations may borrow surplus moneys.

46. A rural school board may, with the consent of the rate-payers first obtained at a special meeting called for that purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys derived from the Ontario Municipalities Fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution for any one or more of the following purposes: the purchase or enlargement of a school site, the erection of a school-house, drill hall, gymnasium, or teacher's residence, or any addition to the same or any of them, and any sum so borrowed shall be applied only to the purpose for which it was borrowed. 9 Edw. VII. c. 89, s. 46.

RATES.

Councils to levy sums required by trustees

Rev. Stat. cc. 192, 195.

47.—(1) The council of every local municipality shall levy and collect upon the taxable property of the public school supporters of the municipality, or of the sections in the case of rural schools, in the manner provided in this Act, and in *The Municipal Act*, and *The Assessment Act*, such sums as may be required by the board for school purposes; and shall pay the same to the treasurer of the board from time to time as may be required by the board.

and to account for same.

(2) Every municipal council shall annually account for all moneys collected for public school purposes, and pay over the same to the school board of the municipality or of the section.

Excess to be credited to school board.

(3) Where the municipal council collects from the public school supporters of any municipality or of a school section any sum in excess of the sums disbursed on account of the public school or schools within such municipality or section such excess shall be credited to and paid over to the board on whose account it has been collected.

Establishment of libraries.

(4) The council of every municipality may, in addition to the sums required by a board to be collected, raise by assessment such other sums as it may deem expedient for the establishment and maintenance of a school library, or for aiding new or weak schools, or continuation schools or fifth classes within such municipality, or for supplementing teachers' salaries or retiring allowances.

Correction of errors in collection of rates in previous years.

(5) Every municipal council shall correct any errors or omissions that may have been made within the three years next succeeding such correction in the collection of any school rate duly imposed or intended so to be to the end that no property

shall escape from or be compelled to pay more than its proper proportion of the rate. 9 Edw. VII. c. 89, s. 47.

RURAL SCHOOL SECTIONS.

48.—(1) Where not already so subdivided the municipal council of every township shall subdivide the township into school sections so that every part of the township shall be included in some section, and shall distinguish each section by a number. School sections in townships.

(2) Where the land or property of any person is situate within the limits of two or more sections the parts so situate shall be assessed and returned upon the assessment roll separately according to the divisions of the school sections within the limits of which the same are situate. Assessors to value lands situate in each section.

(3) No section shall be formed which contains less than fifty children between the ages of five and twenty-one years whose parents or guardians are residents of the proposed section unless such proposed section is more than four square miles in area, provided that a smaller area, although it contains a less number of such children, may be formed into a school section where, because of lakes or other physical conditions, a section convenient for school purposes containing an area of more than four square miles cannot be formed. Area of new school sections.

(4) Every township clerk shall prepare in triplicate a school map of the township showing the divisions of the township into school sections and parts of union school sections; and shall furnish one copy to the county clerk, for the use of the county council, one to the county or district school inspector and retain the other in his office for the use of the township council, and shall furnish annually, on or before the first day of December, to the local inspector information in writing of the acreage, the assessed value, the rate for school purposes and the school population between the ages of five and twenty-one years of each section or part of a union section within the township. 9 Edw. VII. c. 89, s. 48. Township clerk to prepare maps of school sections.

RURAL SCHOOL TRUSTEES.

49.—(1) The trustees of every rural school section shall be a corporation by the name of "The Public School Board of Section No. _____ of the Township of _____ in the County of _____," (inserting the number of the section and the names of the township and county). Trustees to be corporation.

(2) For every rural school section there shall be three trustees each of whom, in rotation, shall, except as herein otherwise provided, hold office for three years and until his successor has been elected. Trustees, term of office of.

Trustees, qualification of.

Rev. Stat. c 192.

(3) The persons qualified to be elected trustees shall be such persons as are British subjects and resident ratepayers or resident farmers' sons, within the meaning of *The Municipal Act*, of the full age of twenty-one years, not disqualified under this Act, and no person not so qualified shall be elected or competent to act as trustee. 9 Edw. VII. c. 89, s. 49.

Elections in new sections.

50.—(1) At the first election in every new section the first trustee elected shall hold office for three years, the second for two years, and the third for one year; or in case of a poll being taken the trustee receiving the highest number of votes shall hold office for three years; the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year.

Casting vote.

(2) Where two or more trustees have received an equal number of votes the chairman shall give a casting vote or votes.

When first year to be deemed to commence and end.

(3) The first year in each case shall be deemed to commence at the date of such first election and extend till the date fixed by this Act for holding the second annual meeting of ratepayers thereafter. 9 Edw. VII. c. 89, s. 50.

Corporation not to cease by want of trustees.

51 A school corporation shall not cease to exist by reason of the want of trustees, but if there are no trustees any two ratepayers of the section, or the inspector, by giving six days' notice to be posted up in at least three of the most public places of the section, may call a meeting of the ratepayers who shall elect three trustees in the manner prescribed by this Act. 9 Edw. VII. c. 89, s. 51.

Council may appoint trustees when no election.

52.—(1) Where the ratepayers of a section for two years neglect or refuse to elect trustees the council of the township may appoint trustees for the section, one for three years, one for two years, and the third for one year, to be reckoned from the date upon which the last election should have been had by the ratepayers, and may fill the vacancies on the board so long as the ratepayers neglect to do so. 9 Edw. VII. c. 89, s. 52 (1).

Dissolution of school section on non-election of trustees.

(2) Instead of appointing trustees the council may by by-law declare the section dissolved and attach the same, in such proportions as they may deem expedient, to adjoining sections, and the assets of the section shall be disposed of as may be determined by the Judge of the County or District Court of the county or district in which the school is situate, the inspector, and one other person to be named by them, whose direction or the direction of a majority of them as to the disposition of the assets shall be carried out by the council. 9 Edw. VII. c. 89, s. 52 (2); 1 Geo. V. c. 17, s. 55 (3).

Disposal of assets at dissolution of section.

MEETINGS OF RATEPAYERS.

Annual meeting, when held.

53.—(1) A meeting of the ratepayers of every section for the purpose (among other things) of electing trustees shall

be held annually on the last Wednesday in December, commencing at the hour of ten o'clock in the forenoon, or if the Board by resolution so directs at the hour of seven o'clock in the afternoon, at such place as the board shall by resolution determine, or in the absence of such resolution at the school house of the section. 9 Edw. VII. c. 89, s. 53 (1); 1 Geo. V. c. 17, s. 55 (4).

(2) Where a new section is formed the clerk shall fix the place for the first meeting and shall call the same for the fourth Wednesday after the time for appealing against the by-law forming the section has expired or after the final disposition of the appeal, if any, by causing notices to be posted up in three of the most public places in the new section at least six clear days before the date when the meeting is to be held. Proceedings on formation of new school section.

(3) The meeting shall be held at the same hour and conducted in the same manner as the annual meeting in organized sections. Time and conduct of meeting.

(4) At any time after the election of trustees in a new school section proceedings may be taken under the provisions of this Act to raise money for and acquire a school site, erect school buildings and provide school equipment. Procedure after election of trustees in new section.

(5) When any school meeting has not been held at the proper time the inspector, or any two ratepayers in the section, may call a meeting of the ratepayers by giving six clear days' notice to be posted up in at least three of the most public places in the school section; and the meeting so called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. Meeting to be called in default of first or annual meeting.

(6) The ratepayers present at a school meeting shall elect one of their number as chairman, and shall also appoint a secretary who shall record the minutes of the meeting and perform such other duties as are required of him by this Act. Organization of meeting.

(7) The chairman shall submit all motions to the meeting in the manner desired by the majority and shall be entitled to vote on any motion, and in case of a tie the motion shall be declared to be negatived, and he shall decide all questions of order subject to an appeal to the meeting. Chairman, duties of.

(8) The business of every school meeting may be conducted in the following order:— Order of business.

(a) Receiving the annual report of the trustees and disposing of the same;

(b) Receiving the annual report of the auditor and disposing of the same;

(c) Electing an auditor for the ensuing year;

(d) Miscellaneous business;

(c) Instructing the trustees by resolution, if deemed expedient, to insure the school buildings and furniture;

(f) The election of trustees. 9 Edw. VII. c. 89, s. 53.

VOTING ON ELECTIONS OR SCHOOL QUESTIONS IN A RURAL SECTION.

Granting poll. 51.—(1) A poll may be demanded by any two ratepayers at a meeting for the election of trustees or for the settlement of any school question in a rural section, and such poll shall be granted by the chairman forthwith if demanded within ten minutes after the result of a vote has been declared by the chairman.

Proceeding in case of a poll. (2) Where a poll is granted for the election of a trustee the secretary shall enter in a poll-book, in separate columns, the names of the candidates proposed and seconded, and shall write therein the names and residences of the ratepayers offering to vote within the time prescribed by this Act, and shall, in the column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name.

Poll book. (3) Where a poll is granted on any school question the secretary shall prepare a poll-book with two separate columns marked respectively "for" and "against"; and shall write therein the name and residence of each ratepayer voting on the question; and shall record his vote by setting the figure "1" opposite his name in the proper column so as to show how he votes on the question.

When vote is objected to. (4) If objection is made to the right of any person to vote the chairman, if the name of such person appears on the assessment roll or on Part I. or Part II. of the Voters' List, shall require such person to make the following declaration:

Declaration of voter. (1) I, A. B., declare and affirm that I am an assessed ratepayer (or farmer's son entitled to vote under *The Municipal Act*), in school section No.

(2) That I am of the full age of 21 years.

(3) That I am a supporter of the public school in said school section No. ; [or, in case of a claim to vote as a farmer's son that my father (mother, step-father, step-mother, as the case may be) is a supporter of the public school in said school section No. , and that I have been a resident of said section for the past six months].

(4) That I have a right to vote at this election.

After making such declaration the person making it shall be entitled to vote.

When poll shall close. (5) The poll shall not close before noon but may close at any time thereafter when a full hour elapses without any

vote being polled, and shall not be kept open later than four o'clock in the afternoon. 9 Edw. VII. c. 89, s. 54 (1-5).

(6) When the meeting is held at seven o'clock in the evening the ratepayers may decide, by resolution, that the poll shall be conducted forthwith or at ten o'clock on the following morning; and if conducted in the evening the poll shall close after ten minutes has elapsed without any vote being recorded 1 Geo. V. c. 17, s. 55 (5). Polling at evening meeting.

(7) When the poll is closed the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and if there is a tie the chairman shall give a second or casting vote. Counting votes—casting vote

(8) In the case of an election of trustees the chairman shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the same adopted or negated as the majority of votes is in favour of or against the same. Declaration of result.

(9) A correct copy of the minutes of every school meeting and a copy of the poll-book where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the inspector. Copy of minutes and of poll book for inspector.

(10) The secretary of every school meeting at which any person is elected as trustee shall forthwith notify him in writing of his election, and of the name and address of the chairman of the meeting, and every person so notified shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the date of election. Acceptance of office by trustees.

(11) Where complaint is made to the inspector by a ratepayer that the election of a trustee, or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act the inspector shall investigate the complaint, and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting; and it shall not be incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with the provisions of this Act if he is satisfied that the result of such election or proceeding has not been affected thereby. Complaints as to elections.

(12) The clerk of the municipality shall supply a list of the persons qualified to vote when required by the board or when required by the inspector in the case of an investiga- Clerk to supply list of school voters.

tion with regard to the election of a trustee or the proceedings of a school meeting. 9 Edw. VII. c. 89, s. 54, (6-11).

URBAN SCHOOL BOARDS.

Board to be a corporation.

55.—(1) Every board in urban municipalities shall be a corporation by the name of "The Public School Board," prefixing to the words "Public School Board" the name of the municipality for which the board is elected.

Who may be elected trustees.

(2) Any ratepayer who is a British subject resident in the municipality of the full age of twenty-one years and not disqualified may be elected a public school trustee, and every trustee except as otherwise herein provided shall continue in office until his successor has been elected and the new board organized, and no person who is not a British subject shall be elected or competent to act as trustee. 9 Edw. VII. c. 89, s. 55.

First election of trustees.

56.—(1) Where an unincorporated village becomes incorporated or a village or town changes its corporate status, the board having jurisdiction over the school property situate within such village or town before its incorporation or before the change of its corporate status shall exercise all the powers conferred by this Act upon the board of an urban municipality until a new election of trustees is held.

First meeting in newly incorporated village.

(2) Where an unincorporated village becomes incorporated the board shall call a meeting of the ratepayers within one month after the date of the incorporation for the election of a new board.

Procedure for calling meeting.

(3) In calling the meeting the provisions of section 60 shall be complied with so far as the same are applicable. 9 Edw. VII. c. 89, s. 56.

Municipalities divided into Wards.

Trustees in city, etc., divided into wards.

57.—(1) For every ward into which an urban municipality is divided there shall be two trustees each of whom shall, except as otherwise provided in this Act, continue in office for two years and until his successor has been elected and the new board organized.

Retirement or rotation.

(2) After the first election of trustees in any ward, or when from any cause the two trustees in any ward are elected simultaneously, one of them, to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall hold office for one year and the other for two years, and after such first or simultaneous election one trustee shall be elected annually for each ward. 9 Edw. VII. c. 9, s. 57.

Municipalities not divided into Wards.

58.—(1) The board of a town or village not divided into wards shall consist of six trustees each of whom, except as otherwise provided in this Act, shall continue in office for two years and until his successor has been elected and the new board organized. Trustees in villages not divided into wards.

(2) After the first election three of the board, to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes, shall hold office for one year and the other three for two years, and after the first election three trustees shall be elected annually. 9 Edw. VII. c. 89, s. 58. Retirement by rotation.

QUALIFICATION OF VOTERS.

59.—(1) Every ratepayer of the full age of twenty-one years who is assessed as a public school supporter in an urban municipality or in a school section, as the case may be, and every person qualified to vote as a farmer's son under *The Municipal Act*, shall be entitled to vote at the election of school trustees and in a rural school section on all school questions. Who may vote. Rev. Stat. c. 192.

(2) Any person exempted from the payment of school rates wholly or in part on account of indigence shall be disqualified from voting. 9 Edw. VII. c. 89, s. 59. No vote when exempted from school rates.

ELECTION OF TRUSTEES IN URBAN MUNICIPALITIES.

60. Subject to the provisions of section 61 elections of public school trustees in urban municipalities shall be held in the manner following:— Provisions for elections of trustees.

(a) A meeting of the ratepayers for the nomination of candidates shall take place at noon on the last Wednesday in the month of December, annually, at such place as shall be fixed by resolution of the board, and in municipalities divided into wards in each ward thereof if the board so directs. Nominations.

(b) The board shall by resolution before the second Wednesday in December in each year name the returning officers to preside at the meetings for the nomination of candidates, and also for holding the election in case of a poll, and in case of the absence of such officer a chairman chosen by the meeting shall preside, and the board shall give at least six days' notice of such meeting. Returning officer.

(c) If at such meeting only the necessary number of candidates are proposed and seconded the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected and Proceedings at nominations.

shall so notify the secretary; but if more candidates are nominated than are required to be elected the returning officer or chairman shall adjourn the proceedings until the first Wednesday in January then next when a poll or polls shall be opened at such place or places, and in each ward where the municipality is divided into wards, as shall be determined by resolution of the board.

Places of
polling.

- d) The polls shall be opened at the hour of ten o'clock in the forenoon and shall continue open until five o'clock in the afternoon and no longer, but any poll may be closed at any time after eleven o'clock in the forenoon when a full hour elapses without a vote having been polled;

Places of
polling.
In urban municipalities
and where township boards
exist the clerk of the municipality
shall furnish to the board, within three
days after request in writing, "The
Voters' List" of the municipality,
together with a supplementary list
either printed or in writing of the
names of persons who are assessed
as supporters of separate schools,
and also a list of the names, alphabetically
arranged, of all ratepayers who are
not already upon "The Voters' List."

- e) In urban municipalities and where township boards exist the clerk of the municipality shall furnish to the board, within three days after request in writing, "The Voters' List" of the municipality, together with a supplementary list either printed or in writing of the names of persons who are assessed as supporters of separate schools, and also a list of the names, alphabetically arranged, of all ratepayers who are not already upon "The Voters' List."

For each
polling place.

- f) The board shall provide each polling place with such lists, and a poll book; and the returning officer or deputy returning officer, or the poll clerk, shall enter in such book in separate columns the names of the candidates nominated, and shall write the names and residences of the ratepayers offering to vote at the election, and shall in each column in which is entered the name of a candidate voted for by a voter set the figure "1" opposite the voter's name.

Places of
polling.

- g) When an objection is made to the right of a person to vote the returning officer or deputy returning officer shall require such person to make the following oath:

For each
polling place.

For each
polling place.

You swear (or solemnly affirm) that you are the person named (or intended to be named), in the list (or supplementary list) of voters now shown to you (showing the list to voter);

That you are a ratepayer;

That you are of the full age of twenty-one years.

That you are a public school supporter;

That you have not voted before for School Trustee at this election, either at this or any other polling place in this Ward (or in this Municipality where the municipality is not divided into wards) for School Trustee;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God;

And after making such oath the person making it shall be entitled to vote.

(h) The returning officer or deputy returning officer shall, on the day after the close of the election, return the poll book to the secretary with his solemn declaration thereto annexed that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer or deputy returning officer;

Duty of returning officer after close of election.

(i) The secretary shall add up the number of votes for each candidate as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them;

Duty of secretary.

(j) When the result of the polling is indecisive by reason of two or more candidates having an equal number of votes all of such candidates shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll shall, before the organization of the board, give a vote for one or more of such candidates so as to decide the election.

Casting vote.

9 Edw. VII. c. 89, s. 60.

ELECTION BY BALLOT.

61.—(1) The board of an urban municipality or a township board may, by resolution of which written notice shall be given to the clerk of the municipality on or before the first day of October in any year, require the election of school trustees for such urban municipality or township to be held by ballot on the same day as municipal councillors or aldermen are elected as the case may be.

Elections of trustees on same day as municipal elections.

Trustees may
discontinue
use of ballot
at elections.

(2) Any such board may in like manner discontinue the use of the ballot on giving written notice to the clerk to that effect at the time hereinbefore mentioned, and thereafter the elections shall be conducted as provided in section 60.

Ballot not to be
discontinued
or resumed for
three years
after the
change.

(3) Where any such board requires elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time then the provisions of section 60 shall apply for a period of three years at least after such discontinuance.

Mode of con-
ducting elec-
tions by ballot.

(4) Where notice is given requiring the election to be held by ballot such election shall thereafter be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act*, respecting the time and manner of holding the election, including the mode of receiving nominations for office, and the resignation of persons nominated, vacancies, and declarations of qualification and office, shall *mutatis mutandis* apply to the election.

Rev. Stat.
c. 192.

Form of
ballot papers.

(5) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions containing the names of the candidates in the same form *mutatis mutandis* as those used for councillors or aldermen, and no ballot shall be delivered to any person who is entered on the list of voters as a separate school supporter. 9 Edw. VII. c. 89, s. 61.

Election of
trustees when
wards abolished

612. (1) In towns divided into wards the board by resolution may limit the number of trustees to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect, and such limitation shall not come into operation until the close of the current school year.

By vote of
electors of
whole muni-
cipality.

(2) When such resolution has been adopted the election shall thereafter be by vote of the electors of the whole municipality.

Retirement
of trustees
by rotation.

(3) The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual election, and thereafter three trustees shall be elected annually by the ratepayers of the whole municipality to fill the place of the same number retiring by rotation.

Filling
vacancies.

Election of
trustees when
council elected
by general
vote.

(4) In cities and, until a resolution has been passed under the next preceding subsection, in towns the trustees shall continue to be elected by wards notwithstanding that the aldermen or councillors are elected by a general vote and not by wards.

(5) Where the trustees are elected by ballot the election shall be conducted as nearly as may be in the manner provided in the preceding provisions of this section, and the officers for holding such election shall be appointed by the municipal council as if the election of aldermen or councillors by general vote had not been adopted for such city or town. Vote by ballot.

(6) Where the election is not by ballot it shall be conducted as nearly as may be in accordance with the provisions of section 60. 9 Edw. VII. c. 89, s. 62. Open voting.

VACANCIES ON BOARD.

63.—(1) Where the office of trustee becomes vacant from any cause the remaining trustees shall, except as provided in subsection 2, forthwith hold a new election to fill such vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected. Vacancy in office of trustee.

(2) In the case of an urban municipality if such vacancy occurs within three months of the expiry of the term of office the remaining trustees may allow the office to remain vacant until the next ensuing annual election. 9 Edw. VII. c. 89, s. 63. Special case.

CONTROVERTED ELECTIONS.

64.—(1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a township board has been established shall be made to the Judge of the County or District Court within twenty days after such election, and he shall, within a reasonable time, in a summary manner hear and determine the complaint, and may cause the assessment rolls, collector's rolls, poll books and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit and may cause such persons as he may deem expedient to appear before him and give evidence. Investigation of complaints by judge.

(2) The Judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed; and if the Judge determines that any other person was duly elected he may order such person to be admitted; and if the Judge determines that no person was duly elected he shall order a new election to be held, and he shall in all cases report his decision to the secretary of the board. 9 Edw. VII. c. 89, s. 64. Powers of judge.

65. In the case of an election of trustees in an urban municipality or in a township for which a township board has been established the provisions of *The Municipal Act*, as to bribery and undue influence shall apply, and in every case in which Bribery and undue influence. Rev. Stat. c. 192.

an election is complained of on those grounds the enquiry by the Judge in reference thereto shall be by oral testimony only. 9 Edw. VII. c. 89, s. 65.

RESIGNATIONS.

Trustees may resign.

(16.—) (1) A trustee of a rural section may resign by giving notice in writing to each of the other trustees.

Resignation of rural trustee ineffectual.

(2) Where after the resignation of a rural school trustee he has continued to act for three months without his right to do so having been called in question by proceedings to vacate his seat, or for the holding of a new election, he shall be deemed to have continued to be a trustee, notwithstanding his resignation, and shall hold office for the residue of the term for which he was elected.

Urban trustee may resign.

(3) A member of an urban board may resign by giving written notice of his resignation to the secretary.

Trustees resigning but continuing to act.

(4) A retiring trustee shall be exempted from serving for four years next after leaving office, but he may with his own consent be re-elected. 9 Edw. VII. c. 89, s. 66.

MEETINGS OF BOARDS.

First meeting of Board.

(17.—) (1) Every urban board shall hold its first meeting in each year on the third Wednesday in January at the hour of seven o'clock in the evening or at such other hour on the same day and at such place as may have been fixed by resolution of the former board, or, if no place has been so fixed, at the usual place of meeting of the council of the municipality.

Chairman.

(2) The secretary shall preside at the election of chairman, or if there is no secretary or in his absence, the members present shall choose one of themselves to preside at such election and the member so chosen may vote as a member.

Casting vote.

(3) In case of an equality of votes at the election of chairman the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

Quorum.

(4) The presence of a majority of the members constituting a board shall be a quorum at any meeting and a vote of the majority of such quorum shall be necessary to bind the corporation.

Equality of votes.

(5) On every question other than the election of a chairman the chairman or presiding officer of the Board may vote with the other members of the Board, and any question on which there is an equality of votes shall be deemed to be negatived. 9 Edw. VII. c. 89, s. 67.

Organization of Board at first meeting.

(18.—) (1) Subject to the provisions of subsection 4 of section 53, every rural school board shall hold its first meeting

in each year at the school house of the section on the Wednesday following the annual meeting at the hour of 4 o'clock in the afternoon, and shall be organized by the election of a chairman, a secretary and a treasurer or a secretary-treasurer.

(2) Subsequent meetings shall be held at such time and place as the board may deem expedient. Subsequent meetings.

(3) The presence of a majority of the members constituting a board shall be necessary to form a quorum. Quorum. 9 Edw. VII. c. 89, s. 68.

69. No act or proceeding of a rural school board which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding. Regularity of proceedings. 9 Edw. VII. c. 89, s. 69.

NON-RESIDENT PUPILS.

70.—(1) The board shall admit to the school any non-resident pupil who resides nearer to such school than to the school in his own section if the inspector reports that the accommodation is sufficient for the admission of such pupil, and in case of dispute as to distance the decision of the inspector shall be final. Admission of non-resident pupils.

(2) The parent or guardian of such non-resident pupil shall pay such fees monthly as may be prescribed by the board, but such fees, together with the taxes, if any, paid by the parent or guardian to such school, shall not exceed the average cost of the instruction of the pupils of such school. Fees of non-resident pupils.

(3) The parent or guardian shall be liable for the payment of all rates assessed on his taxable property for the purposes of the section in which he resides, but the board of that section may remit the whole or any part of such rates, not exceeding the amount of the fees paid to the board of the neighbouring section. A resident of one section sending his children to another section.

(4) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public school of the section on the same terms and conditions as the children of residents. Attendance of children of non-residents.

(5) Where the children attending a neighbouring section reside three miles or more by the nearest public road from the school house in the section to which they belong the board of the section in which such children reside shall remit so much of the taxes payable by the parents or guardians of such children for school purposes as equals the fees paid to the board of the neighbouring section. Remission of school tax where certain fees paid.

(6) A person of school age maintained in a county house of refuge shall be deemed to be a non-resident and the county council shall pay to the board of the school attended by such Pupils in house of refuge.

person such monthly fees as may be agreed upon, or at least the average cost of the instruction of the pupils of such school. 9 Edw. VII. c. 89, s. 70.

Providing for admission of pupils from rural school section to urban or Indian schools.

71.—(1) The ratepayers of a rural section may by resolution at the annual or any special meeting authorize the board to provide for the admission of the pupils of such section to the schools of any adjoining urban municipality or school section or to an Indian school under the supervision of a public school inspector, subject to the approval of the Minister and of the board of such urban municipality or school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation which the board is required by this Act to make for the pupils of the section, and as a public school within the meaning of sections 92 and 93.

Payment of fees and expenses of conveying pupils to and from school.

(2) The first mentioned board may levy and collect upon the taxable property of the section such sums as may be necessary to pay the fees of pupils attending the schools of such urban municipality or school section and to pay for the conveyance of the pupils to and from such schools, and also such other sums as they may deem expedient or as may be required by this Act.

Non-resident pupils not to be counted in fixing proportion of grant.

(3) In ascertaining the average attendance of pupils at an urban school for the purpose of apportioning the legislative grant the pupils attending such school under the provisions of subsection 1 shall not be included.

Actual disbursements for maintenance of pupils at and their transportation to and from the school which they attend.

(4) The township council shall pay to the board of such rural section their actual disbursements for the maintenance of their pupils at and their transportation to and from the school which they attend, not exceeding the minimum sum required by subsection 1 of section 92 and subsections 1 and 2 of section 93, to be levied, collected and applied to teachers' salaries.

Share of legislative and county grants.

(5) The board shall also be entitled to receive such share of the legislative and county grants as may be determined by the Minister in case the amount received from the township council is not sufficient to cover such actual disbursements. 9 Edw. VII. c. 89, s. 71.

Agreement in township school board of city and board of contiguous rural sections for purposes of rural school.

72. (1) The board of education or board of public school trustees in any city may agree with the board of public school trustees of a school section adjacent to the boundaries of the city for the erection, equipment and maintenance of a school in the school section for the joint accommodation of pupils from the school section and from any designated area in the city contiguous to the section.

Agreement shall fix the location of the school, the class of building to be erected, the accommodation to be provided and the proportion of the cost of erecting and maintain-

(2) The agreement shall fix the location of the school, the class of building to be erected, the accommodation to be provided and the proportion of the cost of erecting and maintain-

ing the school to be contributed by the city and the rural school section respectively.

(3) The board of education or board of public school trustees of the city shall include in its annual estimates an amount sufficient to pay its proportion of such cost, and the same shall be levied, collected and paid over by the corporation of the city as part of the rate levied for public school purposes in the city. Estimates of urban board to include cost.

(4) The agreement shall not be binding or be acted upon until it has received the approval in writing of the Minister. Agreement to be approved by Minister.

(5) If after the agreement has been entered into the rural school section or the part thereof in which the school is situated is annexed to the city, the school site and buildings and property used in connection therewith shall vest in the board of education or board of public school trustees of the city, and all payments made by such board towards acquiring a site, erecting buildings or making permanent improvements shall be taken into consideration in fixing the amount to be paid by the board for the school. Matters consequent upon annexation of section to city.

(6) The Minister may make regulations in the manner provided by *The Department of Education Act*, for the apportionment of the legislative and municipal grant in the case of schools to which this section applies, and may fix the proportion which shall be paid on account of any such school out of the Legislative grant for rural and urban schools respectively, and the proportion of the municipal grant to rural schools which shall be paid on account of such school. 1 Geo. V. c. 17. s. 55 (6). Regulations. Rev. Stat. c. 265.

DUTIES OF TRUSTEES.

73. It shall be the duty of the boards of all public schools and they shall have power,— Duties of Board.

(a) To appoint a secretary and a treasurer or a secretary-treasurer, who may be a member of the board, and to appoint such committees, officers and servants as may be deemed expedient; Appointment of officers.

(b) To fix the time and place of meetings of the board, the mode of calling and conducting them, and of keeping a correct account of the proceedings of such meetings and to transmit to the Minister all returns and reports required by the Regulations; To fix meetings of the board.

(c) In the case of a rural school board, at the first meeting of the board to examine the school house, out-buildings and school furniture, maps and apparatus, with a view to ascertain what repairs or improvements may be necessary, and to make suitable provision for lighting fires and keeping the Inspection of school property at first meeting of board.

school house and premises in a cleanly and sanitary condition by appointing some person for that purpose;

To provide accommodation.

- (d) To provide adequate accommodation for all children between the ages of five and sixteen years resident in the municipality, and in the case of rural schools for two-thirds of such children resident in the section, as ascertained in both cases by the school census taken by the assessor in the next preceding year, and in computing such residents the children of persons on whose behalf a separate school has been established under *The Separate Schools Act* shall not be included;

Rev. Stat.
c. 10.

To provide and maintain school premises.

- (e) To acquire or rent school sites and premises, and to build, repair, furnish and keep in order the school-houses, furniture, fences and all other school property, and to keep the wells, closets and premises in a proper sanitary condition;

To procure books and appliances.

- (f) To procure registers, maps, globes, apparatus and, if deemed expedient, prize books, and to establish and maintain school libraries;

To determine number and kind of schools, etc.

- (g) To determine the number, grade, territorial boundaries and description of schools to be opened and maintained; the teachers to be employed; the terms on which they are to be employed and their remuneration and rank, whether principals or assistants; 9 Edw. VII. c. 89, s. 72 (a-g).

To keep school open and establish classes, etc.

- (h) To keep open each school during the whole period of the school year, except where it is otherwise provided by this Act, and if deemed expedient to establish kindergartens and classes for industrial training and instruction in household science, and establish school gardens and summer or vacation schools; 9 Edw. VII. c. 89, s. 72 (h); 2 Geo. V. c. 76, s. 8.

Rural school—reporting deaf, dumb and blind.

- (i) In the case of a rural school board, to ascertain and report to the Minister at least once in each year the names and ages of all children of school age who are blind or who are deaf and dumb and who would otherwise be required to attend the school under their charge; 3-4 Geo. V. c. 70, s. 10.

Dental and medical inspection.

- (j) To provide and pay for such dental and medical inspection of the pupils as the Regulations may prescribe, or, in the absence of Regulations, as the board may deem proper;

Dismissal of refractory pupils.

- (k) To expel from the school a pupil who is adjudged by the board and the teacher to be so refractory that his presence in school is injurious to the other pupils;

- (l) If deemed expedient, to purchase for the use of pupils text books and other school supplies, and either to furnish the same to the pupils free of charge or to collect for the use thereof from their parents or guardians a sum not exceeding twenty cents per month per pupil to defray the cost thereof; Books and school supplies.
- (m) If deemed expedient, to exempt any indigent person from the payment of school rates, in whole or in part, and to notify the clerk of the municipality of such exemption on or before the first day of August, and where deemed necessary to provide for the children of such person text-books and other school supplies at the expense of the board; Exemption of indigent persons from school rates.
- (n) To provide and pay, in the case of urban schools, salaries of inspectors, teachers, instructors and other officers and employees of the board, repairs to buildings, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of trustees and officers of the board incurred by the authority of the board; Urban boards to pay officials and maintenance expenses.
- (o) To submit to the municipal council, on or before the first day of August or at such time as may be required by the council, an estimate for the current year of the expenses of the schools under their charge; To lay before council estimates for moneys.
- (p) To provide, in the case of rural schools, for the payment of a secretary's and teachers' salaries quarterly and, if necessary, to borrow on the promissory note of the board, under its corporate seal, at interest not exceeding six per cent. per annum, such moneys as may be required for that purpose until the taxes imposed therefor are collected; Payment of teachers' salaries.
- (q) To submit, in the case of urban municipalities, all accounts, books and vouchers to be audited by the municipal auditors whose duty it shall be to audit the same, and to publish as soon as the audit is made in one or more of the public newspapers, or otherwise, an abstract of the annual report of the auditors with their findings and recommendations; To publish auditors' report.
- (r) To take possession of all property acquired or given for public school purposes and to hold the same according to the terms on which it was acquired or given; and to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof for school purposes or as directed by this Act; Custody and disposal of school property.

Supplementing
superannua-
tion allow-
ances.

(s) To supplement out of school funds, as deemed expedient, any allowance payable under this Act to superannuated teachers;

Execution of
teachers'
agreements.

(t) To execute the agreement with each teacher required by subsection 1 of section 87, and to procure the execution thereof by the teacher before he enters upon his duties;

Use of school
house.

(u) To permit the school house and premises to be used for any educational or other lawful purposes which may be deemed proper, provided the proper conduct of the school is not interfered with;

Evening
lectures.

(v) If deemed expedient, and subject to the Regulations, to establish, conduct and maintain free lectures open to the public, and to include in their estimate for the current year the expense thereof;

Dismissal of
secretary or
treasurer.

(w) If deemed expedient, to dismiss the secretary or treasurer at any time and thereupon to make a new appointment to fill the vacancy;

Penny Sav-
ings Banks.

(x) If deemed expedient, to provide books, stationery and other materials necessary in connection with the establishment and maintenance of a Penny Savings Bank, or any system introduced for the encouragement of thrift and the habit of saving. 9 Edw. VII. c. 89, s. 72 (i)-(w).

Employing
teachers in
charitable
institutions.

74. The board of a city, when so requested in writing by a charitable organization having the charge of children of school age, may employ teachers for such children and may furnish for their use all school supplies and such children shall be considered public school pupils and shall be subject to the provisions of this Act. 9 Edw. VII. c. 89, s. 73.

Grant for
encourage-
ment of physi-
cal training.

75.—(1) An urban board may expend such sums as it may deem expedient for establishing and maintaining cadet corps and in promoting and encouraging gymnastics and other athletic exercises but such sums shall not exceed \$200 per annum when the annual registered attendance of pupils does not exceed 3,000 and \$50 additional for each additional thousand in attendance. 9 Edw. VII. c. 89, s. 74 (1); 2 Geo. V. c. 76, s. 9.

Military
uniforms.

(2) The board may also provide uniforms for classes in military drill.

Consolidation
of funds for
games.

(3) Where a board of education has been established in any city or town the allowance for games to high schools and public schools may be consolidated, and games for the high schools and public schools held on the same day. 9 Edw. VII. c. 89, s. 74 (2)-(3).

76. The board may pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association or other like association of teachers or trustees in Ontario. 3-4 Geo. V. c. 70, s. 11.

Travelling
expenses
attending
teachers'
association.

DUTIES OF TREASURER.

77.—(1) The treasurer shall give such security as may be required by the board, and the security shall be deposited with the clerk of the municipality.

Security to be
given by secre-
tary-treasurer.

(2) A trustee shall not be surety for the treasurer or for any person entrusted with school money.

Trustees not to
be sureties.

(3) The treasurer shall receive all school moneys and shall account for the same and shall disburse all moneys as directed by the board, and he shall produce, when required by the board or by auditors or other competent authority, all papers and money in his possession, power or control belonging to the board. 9 Edw. VII. c. 89, s. 75.

Duties.

DUTIES OF SECRETARY.

78. It shall be the duty of the secretary:—

- (a) To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the board for that purpose, and to see that the minutes, when confirmed, are signed by the chairman of the meeting;
- (b) To call a special meeting of the board at the request in writing of two trustees or of ten ratepayers, specifying the objects for which the meeting is to be held, and to state the objects of the meeting in the notice calling the same;
- (c) In the case of a rural section, to give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the municipality of the names and post office addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes;
- (d) In the case of a rural section, to give the notice required by this Act of each annual meeting of the ratepayers of the section; to call a special meeting of the ratepayers when directed by the board or on the request in writing of ten ratepayers for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school auditor or for any other lawful school purpose; to cause notices of the time and place, and of the objects of such meeting, to be posted up in three or

Duties of
secretary.
Minutes of
meetings.

Calling special
meetings.

Names and
addresses of
trustees and
teachers to be
given to town-
ship clerk.

Notice of an-
nual meeting
and meetings
to fill vacan-
cies in board,
etc.

Report at
annual meet-
ing.

more public places in the section at least six clear days before the time of holding such meeting; and to cause to be prepared for the annual meeting of the ratepayers a report for the year then ending containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during such year and any further information that may be required by the Minister or by the Regulations, such report to be signed by the trustees and by either or both of the auditors of the section;

Annual and
semi annual
returns.

- (e) To transmit to the inspector all returns on or before the fifteenth day of January in each year according to the forms prescribed by the Regulations. 9 Edw. VII. c. 89, s. 76.

Compensation
of secretary-
treasurer.

79. The secretary of a rural school section may be allowed such remuneration for his services and for attending to the repairs of the school house or premises as shall be fixed by the trustees. 9 Edw. VII. c. 89, s. 77.

AUDITORS OF RURAL SECTIONS.

Auditors.

80.—(1) There shall be two auditors for every rural section, one of whom shall be elected annually by the ratepayers at the annual meeting or at a special meeting and the other appointed by the board on or before the first day of December in each year.

Filling
vacancies.

(2) Where an auditor dies or refuses or is unable to act another may be elected or appointed in his place.

Appointment
by inspector.

(3) If from any cause at any time after the first day of December there are not two auditors willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require.

Trustees and
secretary-
treasurer to
lay accounts,
etc., before
auditors.

(4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer and each of them shall afford to the auditors all the information in his or their power as to the receipts and expenditures which the auditors or either of them may require.

Time of audit.

(5) The auditors, or one of them, shall on or immediately after the first day of December in each year appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section.

Auditors for
consolidated
school.

81. There shall be two auditors for every consolidated school, one of whom shall be appointed by the trustees and the other by the inspector. 9 Edw. VII. c. 89, s. 78.

81.—(1) It shall be the duty of the auditors to examine into and decide upon the accuracy of the accounts of the section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts with a full report thereon at the next annual school meeting. Duties of auditors.

(2) Any difference of opinion between the auditors on any matter in the accounts shall be decided by the inspector. Differences between auditors.

(3) If both auditors object to the lawfulness of any expenditure they shall report the matter to the annual meeting, which may either determine the same or submit it to the Minister whose decision shall be final. 9 Edw. VII. c. 89, s. 79. Report of objections.

82. The auditors or either of them may require the attendance of all persons interested in the accounts, and of their witnesses, with such books, papers, and documents as the auditor or auditors may direct, and may administer oaths to such persons and witnesses. 9 Edw. VII. c. 89, s. 80. Powers of auditors.

83. An auditor who has entered upon an audit may complete the same although he has not done so within the time prescribed by this Act. 9 Edw. VII. c. 89, s. 81. May complete audit after time prescribed.

DUTIES OF TEACHERS.

84. It shall be the duty of every teacher,—

(a) To teach diligently and faithfully the subjects in the public school course of study as prescribed by the Regulations; to maintain proper order and discipline in the school; to encourage the pupils in the pursuit of learning; to inculcate by precept and example, respect for religion and the principles of Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues; Instruction and discipline.

(b) To use the English language in instruction and in all communications with the pupils in regard to discipline and the management of the school, except where it is impracticable to do so by reason of the pupil not understanding English, but recitations requiring the use of a text-book may be conducted in the language of the text-book; Use of English language.

(c) To see that the school house is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon; to call the roll every day according to the register prescribed by the Regulations; to enter in the visitors' book visits made to the school; to give the inspec- Duties in and about the schoolhouse, registers, etc.

tor, trustees and visitors access at all times to the register and visitors' book; and to deliver the register, the school house key and other school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his engagement has ceased;

Classification
of scholars
and conduct
of classes.

d To classify the pupils according to the courses of study prescribed by the Regulations; to conduct the school according to a time-table accessible to pupils and visitors; to prevent the use by pupils of unauthorized text-books; to attend regularly the teachers' institutes in the inspectorate; to notify the board and inspector of his absence from school and the cause thereof; and to make at the end of each school term, and subject to revision by the inspector, such promotions from one class or form to another as he may deem expedient;

Exercises.

e To hold closing exercises of the school and to give due notice thereof to the board, to any school visitors who reside in the school section, and through the pupils to their parents or guardians, and to hold such other examinations as may be required by the inspector for the promotion of pupils or for any other purpose as the inspector may direct;

Information
for Minister
and inspector.

(f) To furnish to the Minister and the inspector any information which it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports of the board as are required by the Regulations;

Care of house
and grounds.
Preservation
of school
property.

g To give assiduous attention to the health and comfort of the pupils; to the cleanliness, temperature and ventilation of the school house; to the care of all maps, apparatus and other school property; to the preservation of shade trees and the orderly arrangement and neat appearance of the playgrounds, and to report promptly to the board and to the municipal health officer the appearance of any infectious or contagious disease in the school, or the unsanitary condition of the school house, outhouses or surroundings;

Refusal
of admission
to pupils.

h To refuse admission to the school of any pupil who he believes is affected with or exposed to chicken pox, small pox, cholera, glanders, scarlet fever, scarlatina, diphtheria, whooping cough, measles, mumps or other infectious or contagious disease, or consumption, until furnished with a certificate of a medical officer of health or of a duly qualified medical practitioner approved by him that all

danger from exposure to contact with such pupil has passed;

- (i) To suspend any pupil guilty of persistent truancy, or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language, or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil and the board of such suspension, but the parent or guardian of any pupil suspended may appeal against the action of the teacher to the board which shall have power to remove, confirm or modify such suspension. 9 Edw. VII. c. 89, s. 82. Disciplinary powers.

85. A teacher who refuses to deliver to the board any visitors' book, school register, school-house key or any other school property in his possession shall not be a qualified teacher until restitution is made, and he shall also forfeit any claim which he may have against the board. 9 Edw. VII. c. 89, s. 83. Refusal to give up key, etc.

CHANGE OF AUTHORIZED TEXT-BOOKS.

86. An authorized text-book in actual use may be changed by the teacher for any other authorized text-book on the same subject with the written approval of the board and subject to the Regulations. 9 Edw. VII. c. 89, s. 84. Change of text-book.

AGREEMENTS.

87.—(1) Every agreement between a board and a teacher shall be in writing signed by the parties thereto and sealed with the seal of the board. Valid agreements with teachers.

(2) No person shall be employed or act as a teacher unless he holds a certificate of qualification. Qualified teacher defined.

(3) Unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year. 9 Edw. VII. c. 89, s. 85 (1-3). Proportion of salary to which teacher entitled.

(4) Every teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery, but the period of four weeks may in any case of sickness be allowed and extended at the pleasure of the Board without a certificate. 9 Edw. VII. c. 89, s. 85 (4); 1 Geo. V. c. 17, s. 56 (2). Case of sickness or dental treatment.

(5) If at the expiration of a teacher's engagement his salary has not been paid in full, the salary shall continue to run at the rate mentioned in the agreement until paid, if an Protection of teachers in regard to salary.

action to recover it is commenced within three months after the salary is due and payable. 9 Edw. VII. c. 89, s. 85 (5); 3-4 Geo. V. c. 70, s. 13.

Provision in case of difference between teacher and trustees.

(6) All matters of difference between boards and teachers in regard to salary or other remuneration whatever may be the amount in dispute shall be determined in the Division Court of the division where the cause of action arose, subject to appeal, as provided by this Act.

When judge may relieve board from extra liability.

(7) If it appears to the Judge on the trial of an action for the recovery of a teacher's salary that there was reasonable ground for the board disputing its liability, and that it was willing and offered to pay to the teacher any sum not so in dispute, the Judge may relieve the board from the liability imposed by subsection 5, in whole or in part. 9 Edw. VII. c. 89, s. 85 (6-7).

TEACHERS' CERTIFICATES.

Several classes of certificates.

88.—(1) Subject to the Regulations any British subject of good moral character and physically fit to perform the duties of a teacher and who passes the examination prescribed by the Regulations, may be awarded a certificate of qualification as a teacher according to the Regulations.

Former certificates continued.

(2) Certificates granted before the 15th day of February, 1871, shall remain in force according to the terms of the Act under which they were granted.

First-class valid.

(3) First-class certificates issued before the 15th day of February, 1871, and valid on the 24th day of March, 1874, shall be valid throughout Ontario during good conduct.

Second-class valid.

(4) Second-class certificates issued before the 15th day of February, 1871, and valid on the 24th day of March, 1874, shall, if the holders thereof have taught for ten years in Ontario, be valid during good conduct within the territory for which they were granted.

Term of certificates generally.

(5) All other certificates shall be valid for such periods as the Regulations prescribe.

Suspension of certificate for misconduct, etc.

(6) The inspector may suspend the certificate of any teacher in his inspectorate for inefficiency, misconduct, or a violation of this Act or of the Regulations or for wilful neglect or refusal to carry out his agreement with a board, and he shall notify in writing the Minister, the board concerned and the teacher of such suspension and of the reasons therefor.

Appeal to Minister.

(7) The teacher may appeal to the Minister who may make such order or orders with regard to the suspension as he deems proper. 9 Edw. VII. c. 89, s. 86.

TEACHERS' INSTITUTES.

Organization of teachers' institutes.

89. (1) Subject to the Regulations, teachers may organize themselves into Teachers' Institutes for the purpose of receiv-

ing instruction in methods of teaching and for discussing educational methods. 2 Geo. V. c. 76, s. 10.

(2) The Minister may out of any money appropriated for that purpose apportion \$25 to each teachers' institute so organized, and conducted according to the Regulations, where the number of teachers in an inspectorate or united inspectorate is one hundred or less, and where it is more than one hundred, \$25 for each additional one hundred or portion thereof, and the council of each county, city, or separated town, or town in territory without county organization shall pay annually to the president of each teachers' institute established within such county, city, or town a sum at least equal to the amount so apportioned.

Aid to teachers' institutes by the Legislature and equivalent from municipalities

(3) If the teachers in an inspectorate composed of a city and part of a county are united in one teachers' institute, the corporation of each municipality shall pay its share of the equivalent of the legislative grant in the proportion that the number of teachers in each inspectorate bears to the total number of teachers in the combined inspectorates. 3-4 Geo. V. c. 70, s. 13.

City and county sharing.

(4) In territory without county organization the Minister may apportion \$50 to each teachers' institute where there is no city or town council liable for such contribution 9 Edw. VII. c. 89, s. 87 (3).

In the districts.

LEGISLATIVE AND MUNICIPAL GRANTS.

90.—(1) With respect to all moneys received by him from the county treasurer a township treasurer shall be a sub-treasurer of the county treasurer, but the county council may by by-law constitute the county treasurer the sub-treasurer for municipalities not separated from the county.

Who to be sub-treasurer.

(2) The treasurer of the school board of each city and separated town shall receive the government grants apportioned to the city or town and shall hold the same for school purposes subject to the order of the board.

Treasurers of cities and separated towns to receive grants.

(3) The treasurer and sub-treasurer and their sureties shall be accountable for school moneys to the county, city or town, as the case may be, and any bond or security given by a treasurer or sub-treasurer for duly accounting for and paying over moneys coming into their hands shall apply to school moneys, and may be enforced against the treasurer or sub-treasurer or his sureties in case of default on his or their part. 9 Edw. VII. c. 89, s. 88.

Responsibility of treasurer and sureties.

91.—(1) The treasurer of every county except where he acts as sub-treasurer also shall pay to the treasurer of every township within the county the legislative grant apportioned to the rural public and separate schools within the township.

County treasurer to pay legislative grant to township treasurers.

Township
treasurer
duties as to
grants

(2) The township treasurer shall pay to the boards of the rural public and separate schools within the township the amount of the legislative grant apportioned to such schools respectively.

When county
treasurer is
sub-treasurer

(3) Where the county treasurer acts as sub-treasurer also he shall perform the duty which is by subsection 2 to be performed by a township treasurer.

Statement to
be sent with
grants

(4) A statement showing the amount of the legislative grant apportioned to the school shall be sent to every board by the sub-treasurer or the township treasurer as the case may be.

Payments to
inspector's
warrant

(5) The payments to the boards under this section shall be made on the warrant of the proper inspector. 9 Edw. VII. c. 89, s. 89.

County rate
to and of
schools

92.---(1) The council of every county shall levy and collect by an equal rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned by the Minister on the basis of the equipment and accommodations of the rural schools of the county, including portions of union school sections and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportions as such grant is apportioned. 9 Edw. VII. c. 89, s. 90 (1); 2 Geo. V. c. 76, s. 12; 3-4 Geo. V. c. 70, s. 14 (1).

County rate
to and of
schools

(2) The council of every county shall levy and collect an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to the schools in the municipality for fifth classes, and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned. 9 Edw. VII. c. 89, s. 90 (2); 3-4 Geo. V. c. 70, s. 14 (2).

Apportion-
ment of
grants to
boards

(3) In case of a union school section composed of parts of two or more counties the council of each county shall pay a proportion of the whole sum required to be paid under subsection 1 which bears the same ratio to that sum as the assessed value of the part of the section in the county bears to the assessed value of the whole section, such assessed value to be according to the last revised assessment rolls of the local municipalities in which the section is situate. 3-4 Geo. V. c. 70, s. 14 (3).

County rate
to and of
schools

(4) The county council of two or more counties united for municipal purposes may apportion the amount to be levied for public school purposes so that each county forming the union shall be liable only for sums payable in respect of public

and separate schools within such county. 9 Edw. VII. c. 89, s. 90; 3-4 Geo. V. c. 70, s. 14 (4).

93.—(1) Where according to the equalized assessments the assessed value of all the taxable property of the public school supporters in a township in a county is at least equal to an average assessment of \$30,000 for each section therein the council of such township shall each year levy and collect by assessment upon the taxable property of the public school supporters of the whole township, not included in an urban municipality or annexed to an urban municipality for school purposes, the sum of \$300 at least for every public school where the teacher or principal teacher is engaged for two consecutive school terms, and a proportionate amount of such sum where a teacher or principal teacher is engaged for one school term or longer, and the additional sum of at least \$200 for every assistant teacher engaged for two consecutive school terms, and a proportionate amount of such sum for every assistant teacher engaged for one school term or longer.

Township grant in aid of schools.

(2) In a county where such assessed value is less than an average assessment of \$30,000 for each public school section in a township, and in a township in territory without county organization whatever its assessment may be, the council of the township shall each year levy and collect as aforesaid the sum of \$150 at least for every school where a teacher or principal teacher is engaged for two consecutive school terms, and a proportionate amount of such sum where a teacher or principal teacher is engaged for one school term or longer, and an additional sum of at least \$100 for every assistant teacher engaged for two consecutive school terms, and a proportionate amount of such sum where such assistant teacher is engaged for one school term or longer.

Where assessment is less than \$30,000 for each section.

(3) The sums so levied and collected shall be applied exclusively to teachers' salaries.

Application of township grant to teachers' salaries.

(4) In the case of a union school section formed of parts of townships the sums levied and collected from the ratepayers by township councils shall be levied and collected by the several councils out of the taxable property of the public school supporters of such union school section, each in the proportion which such taxable property within its jurisdiction bears to the taxable property of public school supporters in the whole union section.

Rates for teachers' salaries in union school sections.

(5) In the case of a union school section formed of parts of townships the sums mentioned in subsections 1 and 2 shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 29.

Township grants to union school sections.

94. Where part of the salary of a teacher in a rural school for any reason does not become payable or is withheld from him under the provisions of this Act, the sums payable respec-

Abatement of amounts proportionately.

tively by the county, the township or townships, and the rate-payers and out of the legislative grant, on account of such salary, shall abate in the proportions in which they were respectively liable for the whole. 9 Edw. VII. c. 89, s. 92.

Amounts
required to
be raised to
be paid over
as required.

95. All moneys required to be levied and collected and applied to the salaries of teachers shall be paid to the treasurers of the respective boards from time to time as may be required by them. 9 Edw. VII. c. 89, s. 93.

Consolidated
schools.

96. Where two or more school sections are consolidated all the teachers in the consolidated school, for the purposes of sections 92 to 94 shall be deemed principal teachers unless their number is greater than the number of sections consolidated, in which case the number of teachers in excess of the number of school sections shall be deemed assistant teachers. 9 Edw. VII. c. 89, s. 94.

INSPECTORS.

Number. Limits of Inspectorates.

Minister to
determine
number of
inspectors.

97.—(1) The Minister shall determine the number of inspectors to be appointed in every county, city or separated town, and thereafter whenever he deems it expedient may direct the appointment of additional inspectors in a county or city. 9 Edw. VII. c. 89, s. 95 (1); 3-4 Geo. V. c. 70, s. 15.

Power of
Minister to
make
appointments.

(2) Where the council of a county, or the board of education or the board of public school trustees of a city or separated town fails to appoint the number of inspectors which the Minister has determined that there should be appointed for the county, city or separated town, the Minister may appoint them; and the salary and expenses of any inspector so appointed shall be provided for and paid in the same manner as if he had been appointed by the council or school board.

When
Minister
may make
appointments.

(3) No such appointment shall be made by the Minister until, in the case of a county, one month after the first meeting of the council after notice of the determination of the Minister, and, in the case of a city or separated town, within one month after the first meeting of the school board after such notice. 3-4 Geo. V. c. 70, s. 17.

Where two
inspectors ap-
pointed for a
county or city.

(4) Where more inspectors than one are to be appointed for a county or for a city, the county council or the Board of Education or Board of Public School Trustees, as the case may be, shall, subject to the approval of the Minister, define the limits of the inspectorate of each inspector, or in the case of a city may, subject to the like approval, assign such duties in addition to those prescribed by the Regulations to each inspector as the board may deem expedient. 9 Edw. VII. c. 89, s. 95 (2); 3-4 Geo. V. c. 70, s. 16.

(5) There shall not, without the consent of the Minister, be assigned to an inspector the duty of making a greater or a less number of visits of inspection than the number of such visits which according to the Regulations may be assigned to one inspector.

Duties assigned to inspector.

(6) Where in a county, city or separated town there are more or less than the number of schools, the inspection of which according to the Regulations should be assigned to the inspector or inspectors, an agreement may be made, with the approval of the Minister, for uniting for the purposes of inspection the whole or part of such county, city or separated town with an adjacent county or part of it; and where that is done the councils or school boards of the municipalities which have entered into the agreement shall provide for dividing the parts so united into inspectorates, the schools in each of which shall require the number of visits of inspection which according to the Regulations may be assigned to one inspector, unless the Minister sanctions a variation therefrom and shall assign an inspector to, or appoint an inspector for, each of such inspectorates, and shall determine the proportion in which the salaries and expenses of the inspectors shall be paid by each corporation and school board, and the same shall be payable and shall be paid accordingly.

Provision for uniting for inspection whole or part of county, city, or separated town with adjacent county or part of it.

(7) Where, owing to the number of schools, it is impracticable to form inspectorates in accordance with the provisions of the next preceding subsection as many inspectorates as it is practicable to form may be formed if provision is made for the inspection of such of the schools as are not included in any inspectorate by an inspector of an adjacent county, city or separated town.

Where impracticable to form such inspectorates.

(8) Where provision is made for such inspection by an inspector of an adjacent county, city or separated town, the councils or school boards which enter into an agreement for that purpose shall, subject to the approval of the Minister, provide by agreement as to the proportion of the time of the inspector which shall be given to the schools in each of the municipalities and the proportion of his salary and expenses which shall be borne by each corporation and school board, and the same shall be payable and be paid accordingly.

Provision for proportion of time to be given to each school, and the payment

(9) Where in the case to which subsection 6 applies no agreement is made under the provisions of the foregoing subsections before a day to be fixed by the Minister, the Minister may exercise any of the powers which might have been exercised by the council of the county or by the school board and may re-arrange the inspectorates and assign or appoint inspectors to them or may make provision for the inspection of any of the schools within the county, city or separated town by an inspector of a district or of another county, city or separated town, or the Minister may appoint an inspector or inspectors for the purpose of inspecting such schools.

Where no agreement made Minister may re-arrange inspectorates.

Where such power exercised in connection of salary to be determined by Minister.

(10) Where the power conferred upon the Minister by the next preceding subsection is exercised and the inspector of a district or of another county, city or separated town is appointed, the proportion of his time which shall be given to the schools in each county, city or separated town shall be determined by the Minister, and the proportion of his salary and expenses which shall be borne by each corporation and school board shall also be determined by him, and the same shall be payable and be paid accordingly.

Minister appointing under subsec. 9 to fix proportion to be paid by county and school board, etc.

(11) Where the Minister, under the powers conferred by subsection 9, appoints a new inspector the Minister shall fix the proportions of his salary and expenses which shall be paid by the corporation of the county and the school board of the city or separated town in respect of the schools in such county, city or separated town the inspection of which is assigned to such inspector, and the same shall be payable and be paid accordingly.

Payment by county or school board.

(12) Any sum which is payable by the corporation of a county or by a school board under any of the foregoing subsections shall be provided for and paid in the same manner as if the inspector had been appointed by the corporation of the county or by the school board. 3-4 Geo. V. c. 70, s. 19.

Agreement by Minister with county council.

(13) The Minister may enter into an agreement with the council of a county that the inspector or one of the inspectors of such county shall be inspector for a district inspectorate and as to the proportion of the salary of such inspector, which shall be payable by the county and the Province respectively. 9 Edw. VII. c. 89, s. 95 (5).

Minister to define inspectorate.

(14) The Minister whenever he deems it necessary shall fix the limits of every district inspectorate, and shall give notice by registered letter to the secretary of every school board in the territory without county organization of the inspectorate to which the school section or other division for which the board is elected is assigned. 9 Edw. VII. c. 89, s. 95 (6); 3-4 Geo. V. c. 70, s. 20.

Urban inspectorate.

(15) Where a board of public school trustees or a board of education appoints an urban inspector, the city or separated town for which such appointment is made shall constitute an urban inspectorate.

Approval of municipal by-laws.

(16) Every by-law or resolution passed and every agreement entered into by a municipal council or board under this section shall be subject to the approval of the Minister. 9 Edw. VII. c. 89, s. 95 (7-8).

Appointment of special inspector.

(17) When owing to the requirements of the Regulations the Minister deems it expedient, he may himself appoint a special inspector of public schools who shall be subject directly to his control, and whose salary and travelling expenses shall be paid by the Department of Education. 3-4 Geo. V. c. 70, s. 18.

Appointment.

98.—(1) The council of every county, by resolution passed at the first meeting held after being directed by the Minister to appoint an additional inspector or after a vacancy in the office of county inspector occurs, shall appoint an inspector.

Appointment of inspector by county council.

(2) Where a vacancy occurs in the office of county inspector the warden of the county may appoint some legally qualified person to fill the vacancy until the next ensuing meeting of the county council.

Vacancy in county.

(3) An urban inspector shall be appointed by the board by resolution passed at the first meeting held after being directed by the Minister to appoint an additional inspector or after a vacancy occurs or at an adjournment thereof.

Appointment by urban board.

(4) The clerk of the county or the secretary of the board, as the case may be, shall forthwith transmit a copy of the resolution, certified by the chairman, to the Minister by registered post.

Resolution to be sent to Minister.

(5) Where a county council for one month after such meeting, or where a public school board or board of education for one month after a vacancy occurs, neglects to make an appointment, the same may be made by the Minister.

Appointment by Minister on default.

(6) Every appointment of a county or urban inspector shall be subject to ratification by the Minister, and if not so ratified within one year thereafter the engagement of the inspector shall terminate at the end of that period and the council or board shall appoint another inspector as provided by this Act.

Ratification of appointment by Minister.

(7) District inspectors shall be appointed by the Lieutenant-Governor upon the recommendation of the Minister and shall hold office during pleasure.

Appointment of district inspector.

(8) Where more inspectors than one are appointed in a county or city the county council or the board may, subject to the approval of the Minister, designate one of the inspectors to be senior inspector and the senior inspector, in addition to the powers and duties of an inspector, shall have such other powers and perform such other duties as the Minister may prescribe. 9 Edw. VII. c. 89, s. 96.

Senior inspector.

Removal, Suspension or Dismissal.

99.—(1) An inspector who ceased to hold office on the 31st day of December, 1912, under section 13 of the Act passed in the 2nd year of His Majesty's reign chaptered 75 shall not be eligible for appointment as inspector. See 2 Geo. V. c. 75, s. 13.

Inspector whose appointment lapsed on 31st December, 1912.

(2) An inspector may be suspended or removed from office or his certificate may be cancelled by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity.

Grounds for dismissal.

Removal by
county council
or board.

(3) The county council or board by which an inspector is appointed may suspend the inspector for neglect of duty misconduct, inefficiency or physical infirmity.

Report to
Minister.

(4) The clerk of the county or secretary of the board, as the case may be, shall forthwith report such suspension to the Minister in writing with a statement of the reasons therefor and the Minister may remove or confirm the suspension or may remove the inspector from office or cancel his certificate and the decision of the Minister shall be final.

Salary during
suspension.

(5) The Minister may give such direction as to the payment or forfeiture of the salary of the inspector for the period of suspension as he may think just. 9 Edw. VII. c. 89, s. 97 (2-5).

Qualifications, etc.

Qualification
of inspectors

100.—(1) No person shall be appointed or act as an inspector of public schools who has been removed from the office of inspector by the Minister or who does not hold a certificate of qualification as prescribed by the Regulations.

Inspector shall
not have any
other office or
employment.

(2) An inspector who during his tenure of office holds any other office or employment or follows any other profession or calling, except the performance of such special duties as the Minister may require, without the approval of the Minister and of the county council of the county or of the board of the city or town in which his inspectorate lies shall forfeit his office as inspector, but this section shall not apply to any person who was a member of the Assembly on the 13th day of April, 1909. 9 Edw. VII. c. 89, s. 98.

Duties of in-
spectors

101.—(1) Subject to the Regulations it shall be the duty of every public school inspector,

- (a) To visit in every year each school room in his inspectorate having a separate register as often and for such length of time on each occasion as the Minister may direct;
- (b) To prepare a report of every such visit in the form prescribed by the Regulations;
- (c) To forward within one month after such visit a copy of every such report to the board within whose jurisdiction the school is situate;
- (d) To make a general annual report as to the performance of his duties and the condition of the schools in his inspectorate to the county council and to the board of every city or separated town included in his inspectorate or in the case of an urban inspector to the board of the city or town only;
- (e) To report to the medical officer of health of the municipality any case in which the school

buildings or premises are found to be in an unsanitary condition;

(f) To furnish the Minister with information respecting any public school in his inspectorate whenever required so to do;

(g) To withhold his order for the amount apportioned from the Legislative or municipal grant;

(i.) Where any school has been kept open for less than six months in the year except where that has been caused by the school having been closed by order of the medical officer of health or local or Provincial board of health on account of the prevalence of any communicable disease;

(ii.) Where the board fails to transmit promptly the annual or other school returns properly filled up;

(iii.) Where the board fails to comply with this Act or with the Regulations; or

(iv.) Where the teacher uses or permits to be used as a text-book any book not authorized by the Regulations;

and in every case to report to the board and to the Minister his reasons for so doing;

(h) To discharge such other duties as may be required by the Minister or Regulations;

(i) On retiring from office to deliver to his successor his official correspondence and all school papers in his custody on the order of the Minister or of the council of the county in which his inspectorate lies or of the board by which he was appointed.

(2) Every inspector shall be directly responsible to the Minister for the due performance of his duties and, subject to the Regulations, shall obey the direction of the county council in the case of a county inspector and of the board in the case of an urban inspector.

Inspector to be responsible to Minister.

(3) Where an inspector requires the testimony of a witness as to any fact alleged in any complaint or appeal made to him or to the Minister he may administer an oath to the witness. 9 Edw. VII. c. 89, s. 99.

Power to administer oaths.

Salaries.

102.—(1) Every county inspector appointed after the first day of January, 1912, shall receive a salary for the first year of his employment of \$1,700, and for the second year

Salaries of inspectors.

\$1,800, and for the third year \$1,900, and for every subsequent year \$2,000.

Present
inspectors.

(2) Every county inspector who was in office on the 31st day of December, 1911, shall be paid a salary of \$1,800 per annum for 1912, \$1,900 for 1913 and \$2,000 for every subsequent year. 2 Geo. V. c. 76, s. 14.

How pay-
able.

(3) One-half of the salary of every county inspector shall be paid by the Treasurer of Ontario out of the moneys appropriated for that purpose and one-half by the county council.

To be paid
monthly.

(4) The salaries of county inspectors shall be paid monthly by the treasurers of the counties and by the Minister directly to the inspectors.

Other
expenses.

(5) The county council shall also pay to the county inspector his reasonable expenses for travelling, printing, postage and stationery, and in case of dispute the amount thereof shall be settled by the Judge of the County Court upon the application of the inspector or of the council and the decision of the Judge shall be final. 9 Edw. VII. c. 89, s. 100 (3)-(5).

Office accom-
modation,
furniture, etc.

(6) The county council shall also provide the inspector with necessary office accommodation and furniture and clerical assistance, and in case of any difference between the county council and the inspector as to what is necessary the matter in dispute may be determined by the Judge of the County Court whose decision shall be final. 3-4 Geo. V. c. 70, s. 21.

Salaries of
urban
inspectors.

(7) The salary of an urban inspector shall be fixed by the board of public school trustees or board of education, of the city or town, and shall be payable by the treasurer of the board.

Contribution
from Province.

(8) Out of such moneys as may be appropriated for that purpose the Treasurer of Ontario shall annually pay in the month of December to the board of the city or separated town the sum of \$5 for every teacher occupying a separate room with a separate register and the amount so paid shall be applied towards the payment of the salary of the inspector.

District
inspectors.

(9) The salaries and travelling and other expenses of district inspectors shall be fixed by the Minister, and shall be paid by the Treasurer of Ontario out of any moneys appropriated for that purpose, at such times and in such manner as the Minister may direct. 9 Edw. VII. c. 89, s. 100 (6)-(8).

ALLOWANCE TO ARBITRATORS AND INSPECTORS.

Arbitrators to
award costs.

103. Arbitrators in making their award shall, among other things, determine the liabilities of the parties concerned for the costs of the arbitration and such determination shall be final and conclusive. 9 Edw. VII. c. 89, s. 101.

Allowance to
arbitrators.

104. Every person other than an inspector engaged as arbitrator on any matter arising under this Act shall be paid \$4 a day and travelling expenses. 9 Edw. VII. c. 89, s. 102.

APPEALS FROM DIVISION COURT DECISIONS.

105.—(1) In an action between a teacher and a board under this Act the Judge of the Division Court in which the action is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal. Appeals from Division Court judgment.

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the Judge to a Divisional Court, by serving notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal may be entitled "The Minister of Education for Ontario, Appellant, in the matter between (*naming the parties*)."

Appeal by Minister.

(3) The Judge shall thereupon transmit to the Central Office of the Supreme Court at Toronto, certified under his hand, the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections. Transmission of papers to Supreme Court

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined. Stay of proceedings.

(5) The Divisional Court shall give such order or direction to the court below touching the judgment to be given as the circumstances require and upon receipt of such order or direction the Judge shall proceed in accordance therewith. Direction to the Court below.

(6) The Divisional Court may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken which shall be certified to and form part of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister and charged as contingent expenses of his office. Costs.

(7) Notwithstanding anything herein contained any party to an action in which the plaintiff claims more than \$100 shall have the same right of appeal as in an action in the Division Court. 9 Edw. VII. c. 89, s. 104. Right of appeal.

SUPERANNUATION.

106. Every teacher and inspector whose name was, on the 30th day of March, 1886, entered as having contributed to the fund for superannuated teachers may continue to contribute to such fund in such manner as may be prescribed by the Regulations the sum of at least \$4 annually, but no payment of arrears which accrued before the 1st day of January, 1885, shall be allowed. 9 Edw. VII. c. 89, s. 105. Superannuation fund.

Repayment
to wife, etc.,
of deceased
teacher.

107. On the death of such teacher or inspector, the wife, husband or legal representative of such teacher or inspector shall be entitled to receive the amount paid into the superannuation fund by such teacher or inspector with interest at the rate of seven per cent. per annum. 9 Edw. VII. c. 89, s. 106; 3-4 Geo. V. c. 70, s. 22.

Allowance
upon retire-
ment at sixty
years of age.

108.—(1) Every teacher and inspector who, while engaged in his profession, has contributed to the superannuated teachers' fund as provided by this Act, shall on reaching the age of sixty years, if he retires from the profession, receive an annual allowance at the rate of \$6 per annum for every year of service in Ontario upon furnishing evidence of good moral character, age and length of service.

Or after
thirty years
of service.

(2) A teacher or inspector who has reached the age of sixty years shall not be disqualified for superannuation by reason of his having retired from active service before reaching that age if he has served for a period of thirty years.

Retirement
through
disability.

(3) Every teacher and inspector under sixty years of age who has so contributed and who is disabled from practising his profession shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character, and disability.

Extra
allowance
to certain
teachers.

(4) Every superannuated teacher and inspector who holds a first or second class provincial certificate, or a first-class county board certificate, and every principal of a high school or collegiate institute shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate or while he acted as principal of a high school or collegiate institute.

When
allowance
to cease.

(5) The retiring allowance shall cease at the close of the year in which the death of the recipient takes place.

Teacher
resuming
profession.

(6) If a superannuated teacher or inspector, with the consent of the Minister, resumes the profession of a teacher or inspector his allowance shall be suspended during the time he is so engaged, and if he is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act and the Regulations.

Again
retiring.

Forfeiture of

(7) A teacher or inspector who, having resumed his profession, wilfully draws or continues to draw upon the superannuation fund shall forfeit all claim to the fund and his name shall be struck off the superannuation list.

Repayment to
contributors.

(8) A teacher or inspector who retires from the profession, or who desires to remove his name from the list of contributors to the superannuation fund shall be entitled to receive back one-half of any sum contributed by him to the fund. 9 Edw. VII. c. 89, s. 107 (1)-(8).

(9) Where a teacher or inspector does not avail himself of the provisions of section 106 or of subsection 8 of this section, the provisions of section 107 and subsections 1 to 7 of this section shall apply so far as relates to all sums already paid by him into the superannuation fund. 9 Edw. VII. c. 89, s. 107; 3-4 Geo. V. c. 70, s. 23.

Teachers not availing themselves of Act.

109.—(1) Subject to the Regulations, the public school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and may make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein and may make it a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules. 9 Edw. VII. c. 89, s. 108; 3-4 Geo. V. c. 70, s. 24.

Grant to superannuation fund by board.

(2) A board may invest any money received through legacy, gift, or superannuation fund, or in its hands for the purposes of a superannuation fund or otherwise, and for such purposes may have and may exercise the powers conferred upon trustees by *The Trustee Act*. 2 Geo. V. c. 76, s. 15; 3-4 Geo. V. c. 70, s. 25.

Investment of funds given or bequeathed Rev. Stat. c. 121.

110. Where a teacher, inspector or officer of a board whose time is entirely devoted to the work of the board retires, having reached the age of sixty years, or after having been for twenty years in the service of the board, the board, in the case of a teacher, city inspector or other officer, and the county council in the case of a county inspector, may grant him an annual allowance not exceeding the salary which he was receiving at the time of retirement, or may make a grant to him by way of gratuity of a sum not exceeding the present value of such annual allowance computed on the basis of interest at the rate of four per centum per annum. 9 Edw. VII. c. 89, s. 109.

Retiring allowance to teachers, officers and inspectors.

INSTRUCTION IN AGRICULTURE, MANUAL TRAINING AND HOUSEHOLD SCIENCE.

111.—(1) The council of a township may engage the services of a person holding the degree of Bachelor of the Science of Agriculture or other certificate of qualification from the Ontario Agricultural College and approved of by the certificate of the Minister, or of an instructor qualified as required by the Regulations, to give instruction in agriculture, manual training and household science in the public schools of the municipality; and the council may levy and collect from the ratepayers of such municipality who are public school supporters such sums as may be necessary to pay the salaries of such instructors and all other expenses connected therewith.

Engagement of instructor in agriculture by township council.

Course of instruction.

(2) The courses of instruction shall be those prescribed by the Regulations.

Engagement by board.

(3) The board of a rural school section or of a union school section or a number of such boards may severally or jointly engage the services of any person qualified as provided in subsection 1 for the purpose of giving similar instruction to the pupils of their respective schools.

Course in agriculture to be open to all residents.

(4) The courses of instruction in agriculture, manual training and household science shall, as far as practicable, be open to all residents of the school section or municipality. 9 Edw. VII. c. 89, s. 110.

Manual training and domestic science classes in urban schools.

112.—(1) The high school board, the public school board and the separate school board, or the board of education and the separate school board or any of such boards in a city, town or village may enter into agreements with one another for the formation and carrying on of classes for instruction in agriculture, manual training and household science in connection with the work of the schools under the management of such boards, and for providing suitable buildings, apparatus and appliances for carrying on such classes, and the appointment of teachers therefor, and the proportion in which the cost thereof is to be borne by each board.

Management under committee.

(2) The boards may delegate the management and control of such classes and the buildings, apparatus and appliances used in connection therewith to such committee or committees as they may see fit, composed of members of such boards or of one or more of them, and such committees may, if the cost thereof has been included in the estimate mentioned in subsection 4, procure from time to time such buildings, apparatus, appliances and material as may be deemed necessary for carrying on such classes, and may engage teachers therefor.

Duration of office.

(3) The members of any such committee shall hold office during the pleasure of the board by which they are appointed.

Providing for cost of instruction.

(4) The committees shall annually, on or before the first day of February, furnish to each board an estimate of the amount required for carrying on such classes during the then current year, and the boards shall include in the estimates to be furnished to the council of the city or town the proportion of the amount so required which is to be provided by the board, and the same shall be included in the school rates of the municipality and levied and collected therewith. 9 Edw. VII. c. 89, s. 111.

OFFENCES AND PENALTIES.

Use of unauthorized text-books.

113. If a teacher negligently or wilfully permits an unauthorized book to be used as a text book by the pupils of his school, the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has

been withheld on account of the use of such book or any less sum at its discretion. 9 Edw. VII. c. 89, s. 112.

114. Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees shall incur a penalty of not less than \$5 and not more than \$10. 9 Edw. VII. c. 89, s. 113.

False declaration as to right to vote.

115. A trustee who refuses to serve after being duly elected shall incur a penalty of \$5, and a person elected as a trustee who as such attends any meeting of the board after becoming disqualified shall incur a penalty of \$20 for every meeting so attended. 9 Edw. VII. c. 89, s. 114.

Refusing to serve.

Disqualified persons acting.

116. Every person elected as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding \$20. 9 Edw. VII. c. 89, s. 115.

Penalty for refusal to perform duties.

117. A trustee shall not be eligible for appointment as public school inspector or teacher, nor shall the teacher of a high, public or separate school hold the office of public school trustee, nor shall an inspector be a teacher or trustee of a high, public or separate school while he holds the office of inspector. 9 Edw. VII. c. 89, s. 116.

Disqualification for certain offices.

118. If a trustee is convicted of any indictable offence or becomes insane or, without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the municipality or school section for which he is a trustee, he shall *ipso facto* vacate his seat, and, subject to the provisions of subsection 2 of section 63, the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election. 9 Edw. VII. c. 89, s. 117.

Seat vacated by conviction for crime, etc.

119.—(1) A trustee shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat.

Seat vacated by interest in contract with board.

(2) On the complaint of two ratepayers of the municipality or section or of the remaining trustee or trustees, the Judge of the County or District Court shall, on proof of the facts, declare the seat vacant, and, subject to the provisions of subsection 2 of section 63, the remaining trustee or trustees shall forthwith order a new election.

When seat may be declared vacant.

Exception.

(3) Nothing in this section shall prevent a trustee receiving payment as provided by section 37 or prevent the board of a rural section from allowing the secretary or treasurer such compensation for his services as may be approved at the annual meeting of the ratepayers and duly entered in the minutes. 9 Edw. VII. c. 89, s. 118.

Newspaper proprietors inserting official advertisements not disqualified from sitting on boards, etc.

120. No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. 9 Edw. VII. c. 89, s. 119.

Penalty for disturbing a school or school meeting.

121. Any person who wilfully interrupts or disquiets the proceedings of a school meeting, or a public school, by rude or indecent behaviour, or by making a noise either within the place where such meeting is held or such school is kept or so near thereto as to interfere with the proceedings of the meeting or order of exercises of the school shall for each offence incur a penalty not exceeding \$20. 9 Edw. VII. c. 89, s. 120.

Penalty for chairman neglecting to report to inspector.

122. A chairman who neglects to transmit to the inspector a minute of the proceedings of any annual or other rural school meeting over which he has presided within ten days after the holding of such meeting shall incur a penalty not exceeding \$5. 9 Edw. VII. c. 89, s. 121.

Liability for neglect to take security.

123. If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school moneys and any school moneys are forfeited or lost to the municipality, section or board in consequence of such refusal or neglect every member of the board shall be personally liable for such moneys, and the same may be recovered by the board or any ratepayer interested therein suing on behalf of himself and all ratepayers of the municipality or section interested in any court of competent jurisdiction; but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. 9 Edw. VII. c. 89, s. 122.

Secretary, treasurer or trustee refusing to deliver up books and moneys.

124. A secretary or a treasurer, and a person having been such secretary or treasurer, and a trustee or other person who has in his possession any book, paper, chattel, or money which came into his possession as such secretary, treasurer, trustee or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same or any part thereof to the person and in the manner directed by the board or by other competent authority. 9 Edw. VII. c. 89, s. 123.

125.—(1) Upon application to a Judge of the County or District Court by the board or by two ratepayers supported by affidavit showing such wrongful withholding or refusal, the Judge may summon such secretary, treasurer, trustee or person to appear before him at a time and place appointed by him. 9 Edw. VII. c. 89, s. 124 (1); 3-4 Geo. V. c. 70, s. 26. Summons for appearance.

(2) Any bailiff of a Division Court, upon being requested so to do shall serve the summons or a true copy thereof on the person complained against personally, or by leaving the same with a grown-up person at his residence. Service of summons.

(3) At the time and place so appointed the Judge, being satisfied that service has been made, shall in a summary manner and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded the Judge shall order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may allow. 9 Edw. VII. c. 89, s. 124 (2-3). Order to account.

(4) In the event of non-compliance with the order the Judge may order the person complained against to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county in which he resides, there to remain without bail until the Judge is satisfied that he has delivered up, accounted for, or paid over the book, paper, chattel or money, in the manner directed by the board or other competent authority. 9 Edw. VII. c. 89, s. 124 (4); 3-4 Geo. V. c. 70, s. 27. Effects of non compliance with judge's order.

(5) Upon proof of his having so done the Judge shall make an order for his discharge and he shall be discharged accordingly. Discharge on compliance with order.

(6) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the Judge may order his discharge on such terms or conditions as he may deem just. Discharge on terms.

(7) Such proceedings shall not impair or affect any other remedy which the board or any other person may have against the person complained against or against any other person. 9 Edw. VII. c. 89, s. 124. Other remedy not affected.

126. It shall be the duty of the board and of the secretary and the treasurer to furnish the auditors with any papers or information in their or his power which may be required of them or him relating to the school accounts, and any member of the board or a secretary or treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. 9 Edw. VII. c. 89, s. 125. Penalties on trustees refusing information, etc., to auditor.

Penalty for neglect to make returns.

127. If the board of a rural school section neglects to transmit to the inspector, in accordance with the Regulations, a correct and varied statement of the attendance of pupils in each of the schools under its charge during the twelve months then immediately preceding, the section shall not be entitled to its share of the legislative grant for such twelve months, and every member of the board so neglecting shall be personally responsible for the amount of the loss of such share. 9 Edw. VII. c. 89, s. 126.

Penalty for delaying yearly reports.

128. If the board of any school section neglects to prepare and forward such annual statement to their county inspector by the 15th day of January in every year, each of them shall, for every week thereafter until such statement has been prepared and presented, incur a penalty not exceeding \$5. 9 Edw. VII. c. 89, s. 127.

Penalty for false school reports and registers.

129. If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, he shall, for every offence incur a penalty not exceeding \$20. 9 Edw. VII. c. 89, s. 128.

Clerk neglecting or refusing to perform duties.

130. If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglects for one month to make any return required by this Act, he shall incur a penalty not exceeding \$10. 9 Edw. VII. c. 89, s. 129.

Penalty for not calling school meetings.

131. If an annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice shall incur a penalty of \$5. 9 Edw. VII. c. 89, s. 130.

[133. — *A Trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and anyone employing or paying him to act as agent or otherwise, are liable to the penalties imposed by The Department of Education Act. See Rev. Stat. c. 265.*]

Penalties for not maintaining school as required by Act.

132. Where a board makes default in maintaining a public school during the whole school year or such part thereof as this Act requires every member of the board shall incur a penalty of \$5 for every week during which such default continues, unless he proves that he did everything in his power to prevent such default. 9 Edw. VII. c. 89, s. 131.

Recovery and application of penalties.
Rev. Stat. c. 90.

133. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*, and shall be applied to such school purposes as the Minister may direct. 9 Edw. VII. c. 89, s. 132; 3-4 Geo. V. c. 70, s. 28.

CHAPTER 267.

An Act respecting Continuation Schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Continuation Schools Act*. Short title.
3-4 Geo. V. c. 72, s. 1.

2. In this Act,

(a) "Maintenance" shall include ordinary repairs to the teacher's residence, the school buildings, out-houses, gymnasium, fences and school furniture, the improvement of the school grounds and the grounds attached to the teacher's residence, insurance of the school property, salaries of the teachers, officers and servants of the board, the expense of conducting entrance examinations and other expenses for ordinary school purposes and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the Regulations, and shall also include gratuities and retiring allowances granted to teachers; Interpretation.
"Maintenance."

(b) "Minister" shall mean Minister of Education; "Minister."

(c) "Municipality" shall include a city, town, village or township, but not a county; "Municipality."

(d) "Permanent improvements" shall include the purchase or rental of a residence for a teacher or of a school site, the erection or rental of a school house, the enlargement of both or either of them, changing the system of heating or ventilation, the erection of fences, outhouses and gymnasium, the purchase of school furniture, maps and apparatus, library and all other appliances required by the Regulations; "Permanent improvements."

(e) "Regulations" shall mean the Regulations made by the Minister under *The Department of Education Act*. 3-4 Geo. V. c. 72, s. 2. "Regulations,"
Rev. Stat.
c. 265.

3.—(1) Subject to the Regulations and to the approval of the Minister the public school board of any municipality or school section or a separate school board may establish and Establishment of schools.

maintain one Continuation School with a staff of at least one teacher engaged for his whole time.

Powers of boards.

(2) The board shall have in respect of such continuation school all the powers conferred on public or separate school boards as to acquiring a school site, erecting buildings and additions to existing buildings, and providing equipment for and paying the cost of permanent improvements, and of the maintenance of such continuation schools.

Agreements between boards for joint maintenance and establishment.

(3) Subject to the Regulations and to the approval of the Minister, agreements may be entered into by two or more public school boards or by one or more of such boards and one or more separate school boards for the establishment and maintenance of a continuation school to be conducted in some place agreed upon by the boards for the benefit of the pupils from all of such schools, and any such agreement shall specify the proportion of the cost of the establishment and maintenance of the continuation school to be paid by each of such boards or shall provide for the manner in which such proportion shall be determined.

Management of continuation school under committee.

(4) A continuation school established under subsection 3 shall be under the control and management of a committee composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively.

Committee to be a body corporate.

(5) The committee shall be a body corporate and shall be styled The Board of Trustees of the Continuation School of the *(naming the municipality or school section or sections)*.

Apportionment of cost in union school sections.

(6) Where the board of a union school section establishes or enters into an agreement with any other board for the establishment of a continuation school, the council of each municipality included or part of which is included in the union school section shall levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining such continuation school according to the equalized assessment as provided by *The Public Schools Act* of the part of the union school section comprised in the municipality.

Rev. Stat. c. 266.

Township grant towards salary.

(7) Subject to subsection 8, for the purposes of subsections 1 and 2 of section 93 of *The Public Schools Act* a continuation school shall be deemed a public school.

Township rates, how to be levied. Rev. Stat. c. 266.

(8) Where the continuation school is established by one or more public school boards the amount to be levied and collected by the township council under section 93 of *The Public Schools Act* shall be levied upon the taxable property of the public school supporters, and where the school is established by one or more separate school boards the amount to be levied

shall be levied upon the supporters of such separate schools.
3-4 Geo. V. c. 72, s. 3.

4.—(1) All sums required to be provided for the support of a continuation school established under section 3, after deducting from the expenditures the legislative and county and other municipal grants, shall be provided for by a rate levied

Providing money required for maintenance.

(a) where the school is established by the board of an urban municipality or of a public school section, or by the board of an urban municipality and one or more public school sections, or by the boards of two or more public school sections, on the property liable to assessment and taxation for public school purposes in such municipality or school section or sections;

(b) where the school is established by the board of one or more separate schools, on the property liable to assessment and taxation for separate school purposes;

(c) where the school is established by one or more public school boards and one or more separate school boards, on the property liable to assessment and taxation for public school purposes in the municipality or section or sections and on the property liable to assessment and taxation for separate school purposes, in the proportions fixed by or under the agreement for the establishment of the school. 3-4 Geo. V. c. 72, s. 4.

5.—(1) Pupils whose parents are supporters of the school may be admitted free or charged such fees as the board may determine but such fees shall be uniform for all such pupils.

Fees for children of supporters.

(2) Pupils whose parents are not supporters of the school may be admitted for the first year after the establishment of the school on payment of such fees as may be mutually agreed upon by the board and the parents of the pupils, and thereafter on the payment of such fees as the board may determine, but all such fees shall be uniform, and the fee shall not exceed an amount equal to the cost per pupil of the maintenance of the school as ascertained by taking the total cost of maintenance of the school for the year next preceding after deducting the amount of the legislative and county grants and dividing it by the average number of all the pupils in attendance for the same year.

For those whose parents not supporters.

(3) The board of any other public or separate school may agree with the board by which the continuation school is established or the board of the continuation school, as the case may be, for the payment by such first mentioned board

Payment of lump sum in lieu of fees.

of a lump or other annual sum in lieu of the fees payable under subsection 2. 3-4 Geo. V. c. 72, s. 5.

No establishment where there are high schools.

6. A continuation school shall not be established or maintained in a municipality in which a high school is maintained or in any other part of a high school district. 3-4 Geo. V. c. 72, s. 6.

County grant.

7. The council of the county in which a continuation school is situate shall pay towards the maintenance of such school a sum equal to the amount apportioned to the school by the Minister out of the legislative grant. 3-4 Geo. V. c. 72, s. 7.

Additional contribution by county council.

8.--(1) The council of the county may contribute such further sum as it may deem expedient towards permanent improvements or to the maintenance of continuation schools situate in the county; but any sum so contributed, except as provided by subsection 2, shall be apportioned among all such continuation schools in proportion to the amount which the council is required to contribute to their support.

May be for aid to some only of the schools.

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the continuation schools in the county without making a similar provision for the other continuation schools therein.

Apportionment between counties in a union.

(3) The council of united counties may apportion the amount to be levied for continuation schools so that each county in the union shall be liable only for sums payable in respect to continuation schools situate therein.

Grant from county for agricultural department.

(4) Where an Agricultural Department is established by the Minister in a continuation school the council of the county in which the continuation school is situate shall on or before the 15th day of December in each year pay to the board of the school in which such department is established the sum of \$500 which shall be applied by the board to the purposes of such department.

Apportionment with schools situate in municipality or section forming part of two or more counties.

(5) Where the continuation school is situate in an urban municipality or in a union school section parts of which are in two or more counties the amount payable under subsections 1 and 4 by the corporation of each county shall be determined in the manner provided by section 29 of *The Public Schools Act*. 3-4 Geo. V. c. 72, s. 8.

Admission of pupils.

9. Pupils whether resident or non-resident may be admitted to a continuation school in accordance with the Regulations governing the admission of pupils to high schools. 3-4 Geo. V. c. 72, s. 9.

Qualification of teachers.

10. Every teacher appointed as principal or assistant in a continuation school shall possess the qualifications prescribed by the Regulations. 3-4 Geo. V. c. 72, s. 10.

11. The courses of study in continuation schools shall be such as are prescribed by the Regulations. 3-4 Geo. V. c. 72, s. 11. Courses of study.

12.—(1) Every continuation school which has been established under the provisions of Part II. of *The Continuation Schools Act*, passed in the ninth year of the reign of His late Majesty King Edward the Seventh, chaptered 90, shall be deemed to have been on and after the first day of July, 1913, and shall be a high school and, except as hereinafter expressly provided, shall be subject to the provisions of *The High Schools Act*. When continuation school becomes high school. Rev. Stat. c. 268.

(2) The trustees of a continuation school holding office at the time it became a high school under the provisions of subsection 1 shall be deemed to have been the trustees of it until trustees were appointed under the provisions of *The High Schools Act* and the new board was organized. Term of office of existing trustees. Rev. Stat. c. 268.

(3) The principal of a continuation school at the time it became a high school under this section shall, subject to the approval of the Minister, be qualified to continue to be the principal of such school until its staff has been increased by the addition of a teacher engaged for his whole time. When principal may continue as principal of high school.
3-4 Geo. V. c. 72, s. 12.

CHAPTER 268.

An Act respecting High Schools and Collegiate Institutes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

GENERAL.

- Short title. 1. This Act may be cited as *The High Schools Act*. 9 Edw. VII. c. 91, s. 1.
- Interpretation. 2.—(1) In this Act—
- “Board.” (a) “Board” shall mean a Board of High School Trustees.
- “County judge” or “judge.” (b) “County Judge” and “Judge” shall mean the senior judge of the county or district court of the county or district in which the high school is or is to be situate, or, if he is a member of the High School Board or is unable to act or is disqualified, shall mean the junior judge of the county or district court, or if he is a member of the board or is unable to act or is disqualified, shall mean the judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census;
- “County pupils.” (c) “County pupils” shall mean pupils who reside or whose parents or guardians reside in the county in which the high school attended by such pupils is situate, but not within the limits of the high school district, and shall not include pupils who are resident pupils as herein defined;
- “Department.” (d) “Department” shall mean Department of Education;
- “High School.” (e) “High School” shall include a Collegiate Institute;
- “High School District.” (f) “High School District” shall mean the municipalities and parts of municipalities over which a board has jurisdiction;
- “Maintenance.” (g) “Maintenance” shall include ordinary repairs to the teacher’s residence, the school buildings, out-

houses, gymnasium, fences and school furniture; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance of the school property, salaries of the teachers, officers and servants of the board, the expense of conducting entrance examinations, and other expenses for ordinary school purposes and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the Regulations, and shall also include gratuities and retiring allowances granted to teachers;

- (h) "Minister" shall mean Minister of Education; "Minister."
- (i) "Municipality" shall include a city, town, village or township but not a county; "Municipality."
- (j) "Non-resident pupils" shall mean pupils other than county pupils and resident pupils as herein defined; "Non-resident pupils."
- (k) "Permanent improvements" shall include the purchase or rental of a residence for a teacher, or of a school site, the erection or rental of a school house, the enlargement of both or either of them, changing the system of heating or ventilation, the erection of fences, outhouses and gymnasium, the purchase of school furniture, maps and apparatus, library, and all other appliances required by the Regulations; "Permanent improvements."
- (l) "Regulations" shall mean Regulations made by the Minister under *The Department of Education Act*; "Regulations." Rev. Stat. c. 265.
- (m) "Resident pupils" shall mean pupils whose usual place of abode is within the high school district, or who are assessed or whose parents or guardians are assessed within the district for an amount equal to the average assessment of the ratepayers therein; "Resident pupils."
- (n) "Separated town" shall include a town separated for municipal purposes from the county in which it is situate, and a town in territory without county organization; "Separated town."
- (o) "Urban municipality" shall mean a city, town or village. "Urban municipality."

(2) Where reference is made to the population of a municipality or other locality or to a number of inhabitants or ratepayers the same shall be determined by the last enumeration by the assessor. References to population.

Certificate of clerk to be final.

(3) The certificate of the clerk of the municipality with respect to such population or number shall be final and conclusive. 9 Edw. VII. c. 91, s. 2.

HIGH SCHOOL CORPORATIONS.

Trustees to be a corporation.

35.—(1) The trustees of every high school district shall be a corporation by the name of "The High School Board of," or "The Collegiate Institute Board of," as the case may be, adding the name of the municipality within which the high school or collegiate institute is situate.

Term of office.

(2) The trustees of every high school district shall hold office until their successors are appointed and the new board is organized. 9 Edw. VII. c. 91, s. 3.

HIGH SCHOOL DISTRICTS.

Existing high school districts confirmed.

4. Whenever a high school district has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such district had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of such district and notice thereof has been given to the persons who ought, according to the practice of the court in which the proceedings are taken, to be served with notice thereof, and such proceedings result in its being determined that such district has not been legally formed. 9 Edw. VII. c. 91, s. 4.

Lands not relieved from rates.

5. The county council may on the petition of any municipal council detach the municipality or any part thereof from any district formed by by-law of the county council, but any change made in the boundaries of a district shall not relieve the taxable property of the district or any part thereof from the rates imposed for the payment of debentures or from any other debts incurred before such change. 9 Edw. VII. c. 91, s. 5.

Unions of municipalities or portions thereof for high school purposes.

6.—(1) The council of any county on the petition of two-thirds of the ratepayers of any municipality or part thereof situate within such county and contiguous to any high school district or village or to a town containing less than three thousand inhabitants in such county, may by by-law unite such municipality or part thereof to such district, village or town for high school purposes; and the union shall take effect on the first day of January next following the expiration of six months after the passing of the by-law.

Dissolution of Union.

(2) The county council on the petition of two-thirds of the ratepayers of any municipality or part thereof united to any such district, village or town may by by-law dissolve

the union; but no such by-law shall come into operation until the first day of January next following the expiration of six months after the passing thereof, nor relieve the municipality or any part thereof from any rates imposed for the payment of debentures nor from any other debts incurred while such union existed.

(3) Where two municipalities become united all the assets of the boards of both municipalities shall forthwith be vested in, and all the liabilities of such boards shall forthwith become liabilities of, the board of the united municipality. Assets vested in board of united municipality.
9 Edw. VII. c. 91, s. 6.

NEW HIGH SCHOOLS.

7.—(1) On or before the first day of July in any year the council of a county may, with the approval of the Minister, pass by-laws for the establishment of a new high school district Establishment and discontinuance of high schools.

(a) for a municipality not separated from the county containing at least one thousand inhabitants, and the council of any county may in like manner, with the approval of the Lieutenant-Governor in Council, discontinue at the end of the current calendar year any high school district thereafter established;

(b) for two or more townships or parts of townships within such county, if there are at least three thousand inhabitants within the proposed district, and if at least two-thirds of the ratepayers of each of such townships or parts of townships petition for such high school district;

(c) in a village in such county or in a town therein not separated from the county, including within the proposed district the village or town and the whole or a part of any municipality or municipalities in such county contiguous to such village or town, if the whole of such proposed district contains at least three thousand inhabitants, and if two-thirds of the ratepayers in each municipality or part of a municipality to be included in such district sign a petition for such high school district.

(2) In the case provided for by clause (b) of subsection 1 the high school shall be located at such place as is named in the petition. Location of school.
9 Edw. VII. c. 91, s. 7.

8. The council of a city or separated town may, with the approval of the Minister, establish as many high schools in such city or separated town as it may deem expedient. In cities, and separated towns.
9 Edw. VII. c. 91, s. 8.

COURSES OF STUDY.

- Course of instruction.** **9.—**(1) The courses of study shall be those prescribed by the Regulations.
- Collegiate Institutes.** (2) Any high school which complies with the Regulations with respect to collegiate institutes may be raised to the rank of a collegiate institute by the Minister.
- Reducing collegiate institutes.** (3) The Lieutenant-Governor in Council may, upon the report of the Minister, reduce a collegiate institute to the rank of a high school. 9 Edw. VII. c. 91, s. 9.
- Military instruction.** **10.—**(1) A board may establish classes in military instruction, appoint a qualified drill instructor and provide uniforms for such classes.
- Grants for athletics.** (2) A board may annually vote a sum not exceeding \$150 for each high school within its jurisdiction for the encouragement of athletics and to defray the expenses of school games. 9 Edw. VII. c. 91, s. 10.
- Instruction in agriculture.** **11.** A high school board, a public school board and a continuation school board, or any one or more of such boards may engage the services of any person holding the degree of Bachelor of the Science of Agriculture or other certificate of qualification from the Ontario Agricultural College and approved by the Minister to give instruction in agriculture to the pupils of their respective schools; and the instructor shall perform such duties and the funds set apart for instruction in agriculture shall be expended for such purposes as may be prescribed by the Regulations. 9 Edw. VII. c. 91, s. 11; 2 Geo. V. c. 76, s. 18.

TRUSTEES.

- Qualification of trustees.** **12.** Any ratepayer who is a British subject, has attained the age of 21 years, resides in the high school district and who is not a member or officer of a municipal council shall be qualified to be a high school trustee. 9 Edw. VII. c. 91, s. 12.
- Number of trustees.** **13.** Every high school board shall consist of at least six trustees. 9 Edw. VII. c. 91, s. 13.
- Appointment of trustees.** **14.** (1) In the case of a high school situate in a municipality of the county not being a city or a separated town, three of such trustees shall be appointed by the county council and additional trustees shall be appointed as follows:—
- (a) Where the district comprises one municipality the council thereof shall appoint three additional trustees;

(b) Where the district comprises two municipalities each council shall appoint two additional trustees; and

(c) Where a district comprises more than two municipalities each council shall appoint one additional trustee.

(2) A part of a municipality which is assessed for at least \$50,000 shall be deemed a municipality for the purposes of this section. What may be deemed a municipality.

(3) One of the trustees appointed by the county council and one trustee appointed by each other council shall retire each year. 9 Edw. VII. c. 91, s. 14. Annual retirement of trustees.

15. Where a high school district comprises the whole of a county the county council shall appoint six trustees, two of whom shall retire each year. 9 Edw. VII. c. 91, s. 15. Where district composed of county.

16.—(1) In a city and in a separated town the council shall appoint six trustees, and the trustees so appointed shall, with such additional trustees as are authorized by this Act, form the board. Trustees in cities and separated towns.

(2) The council shall provide for the annual retirement of two of the trustees appointed by them so as to secure a complete rotation every three years. 9 Edw. VII. c. 91, s. 16. Retirement by rotation.

17.—(1) Where the board of a high school situate in a city or in a separated town notifies the county clerk that the high school is open to county pupils on the same terms as high schools in municipalities not separated from the county, the county council may, from time to time, appoint three additional trustees for such high school so long as the school is open to county pupils on such terms, and such high school shall for all the purposes of this Act be considered a county high school. 9 Edw. VII. c. 91, s. 17. Admission of county pupils to city or town school.

(2) The board of a high school situated in a city, town or village in a district without county organization may, by resolution, provide that the pupils of any municipality in such district shall have the right to attend such high school on the same terms as the pupils living in the city, town or village in which the high school is situate on the condition that the council of such municipality pay to such high school board the cost *pro rata* of the maintenance of such high school according to the number of pupils in attendance thereat from such municipality. Admission of non-resident pupils in unorganized territory.

(3) The council of any municipality in respect to which a resolution has been passed by a high school board under subsection 2 may by by-law provide for the raising of the necessary money and the payment of the same to such high school board in accordance with the resolution, and there-

upon the council shall be entitled to appoint a trustee to the board in addition to the other members of the board provided for by this Act.

Term of
office of
trustee.

(4) A trustee appointed under subsection 3 shall hold office for three years and until his successor has been duly appointed, and shall have all the rights, powers and privileges of other members of the board with the exception that he shall not be entitled to vote on any matter relating to capital expenditure for land, buildings or permanent improvements not contributed to by the municipality appointing him. 10 Edw. VII. c. 104, s. 1.

Order of re-
irement of
trustees.

18. The council which has the power and duty of appointing high school trustees shall provide for the order of their retirement. 9 Edw. VII. c. 91, s. 18.

Separate
school board
to appoint
a trustee.

19. The board of separate school trustees of a city, town or village in which a high school is situate may appoint to the board one trustee who shall not be a member of the separate school board and who shall hold office for one year. 9 Edw. VII. c. 91, s. 19.

Appointment
by public
school trust-
ees in urban
municipalities.

20. Except in the case of a board of education the public school board of every urban municipality and the board of a union public school section which includes an urban municipality may appoint one trustee who is not a member of the public school board to the high school board of such urban municipality, and he shall hold office for one year. 9 Edw. VII. c. 91, s. 20.

Vacancies
caused by
annual
retirement.

21. (1) Vacancies arising from the annual retirement of trustees shall be filled by the appointing body at its first meeting in each year after being organized.

Vacancies
from other
causes.

(2) Vacancies arising from death, resignation, removal from the high school district or county or otherwise shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant.

Where
separated
town is re-
united to
county.

(3) Where a separated town is re-united to the county the two trustees whose term of office shall first expire and one of the trustees whose term of office shall next expire, to be selected by lot, shall retire as soon as the county council has appointed three trustees, and the remaining three trustees together with three trustees to be appointed by the county council shall then constitute the board of the high school district. 9 Edw. VII. c. 91, s. 21.

MEETINGS OF BOARD.

First meet-
ing of
board.

22. (1) Unless all the members of the new board have been appointed and a date for the first meeting has been

decided upon by the old board, the first meeting of the board in each year shall be held at the hour of seven o'clock in the evening of the first Wednesday in February or at such other hour of the same day as may have been determined by resolution of the former board. 9 Edw. VII. c. 91, s. 22 (1); 2 Geo. V. c. 76, s. 19.

(2) At the first meeting in each year of every board and whenever the office of chairman becomes vacant then at the first meeting of the board after the vacancy occurs the members shall elect one of their number to be chairman. Election of chairman.

(3) The members of the board may also elect one of their number to be vice-chairman, and he shall preside in the absence of the chairman. Vice-chairman.

(4) If at any meeting there is no chairman or vice-chairman present the members present may elect a chairman for that meeting. Chairman pro tem.

(5) At the first meeting and as often as a vacancy occurs the board shall also elect a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board. Secretary and Treasurer.

(6) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting. Secretary pro tem.

(7) The presence of a majority of all the members constituting the board shall be necessary to form a quorum. Quorum.

(8) The secretary or secretary-treasurer shall preside at the first meeting until the chairman is elected, or if there is no secretary or secretary-treasurer then such member of the board shall preside as may be elected for that purpose. Chairman at first meeting.

(9) In case of an equality of votes at the election of chairman the trustee who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote. Equality of votes on the election of chairman.

(10) The presiding officer may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to have been negatived. 9 Edw. VII. c. 91, s. 22 (2-10). In other cases.

SECURITY OF TREASURER AND SECRETARY-TREASURER.

23.—(1) Every treasurer and every secretary-treasurer shall give security for the due and faithful performance of his duties and shall submit his accounts to the auditors of the municipality in which the high school is situate. Security to be given by treasurer and secretary-treasurer.

(2) It shall be the duty of the auditors to audit such accounts in the same way as the municipal treasurer's accounts are audited. 9 Edw. VII. c. 91, s. 23. Audit.

DUTIES OF BOARD.

Duties of trustees.

24. It shall be the duty of every board and it shall have power:—

Fix meetings of board.

(a) to fix the times and places for the meetings of the board and the mode of calling and conducting them, and to see that a full and correct account is kept of the proceedings thereat;

Conduct of school.

(b) to see that the school is conducted according to this Act and the Regulations; 9 Edw. VII. c. 91, s. 24 (a-b).

Accommodation for pupils.

(c) to provide adequate accommodation according to the Regulations for all pupils, and in its discretion establish summer or vacation schools. 9 Edw. VII. c. 91, s. 24 (c); 2 Geo. V. c. 76, s. 20.

Charge of high school.

d) to take charge of the school, to keep the school buildings and premises in proper repair, to provide suitable furniture and equipment and to protect the property of the board;

Collection of fees for tuition.

(e) subject to the provisions of this Act, to fix the amount to be paid by parents and guardians for each pupil attending the school, and the times of payment and, when necessary, to enforce payment thereof;

Security of treasurer or secretary-treasurer.

(f) to take proper security from the treasurer or secretary-treasurer;

Orders for school and expenses.

(g) to give the necessary orders upon the treasurer for the payment of gratuities or retiring allowances of teachers and the salaries of the teachers and other officers and servants of the board, and of such other expenses for promoting the interests of the school as may be authorized by the board;

Applications to councils, how made.

(h) to apply to the municipal council liable under this Act on or before the 1st day of August, or at such time before that day as may be required by the council, for such sums as the board may require for the maintenance of the school for the twelve months next following the date of such application apart from fees from pupils, the appropriation from the Legislative grant, the contribution by the county council and the revenue from other sources, and for such additional sum as may be deemed expedient for permanent improvements for the same period not exceeding \$500;

Expulsion of pupils.

(i) to expel, on the report of the principal, any pupil whose conduct may be deemed injurious to the

welfare of the school, and to exclude any pupil whose parents or guardians neglect or refuse to pay the fees of such pupil after reasonable notice;

- (j) to appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their duties; Appointment and removal of teachers.
- (k) to certify to the treasurer of the county on or before the 1st day of August in each year the amount of fees collected from county pupils for the next preceding calendar year; Certify fees received.
- (l) to prepare and transmit on or before the 15th day of January in each year to the Minister the annual report in accordance with forms provided by the Department. 9 Edw. VII. c. 91, s. 24 (d)-(l). Annual report to Minister.

25. The board may—

- (a) purchase for the use of pupils text books and other school supplies, and either furnish the same to them free of charge or collect for the use thereof from such pupils or their parents or guardians a sum not exceeding twenty-five cents per month for each pupil to defray the cost thereof; Purchase books and supplies, and furnish same free or collect fees for the use thereof.
- (b) provide books, stationery and other materials necessary in connection with the establishment and maintenance of a Penny Savings Bank, or any system introduced for the encouragement of thrift and the habit of saving; 9 Edw. VII. c. 91, s. 25 (a-b). Penny Savings Bank.
- (c) provide and pay for such dental and medical inspection of the pupils as the Regulations may prescribe, or in the absence of Regulations, as the board may deem proper; 3-4 Geo. V. c. 70, s. 29. Dental and medical inspection.
- (d) pay the travelling expenses of any member of the board or of any teacher in the employment of the board incurred in attending meetings of the Ontario Educational Association or other like association of teachers or trustees in Ontario. 3-4 Geo. V. c. 70, s. 30. Travelling expenses attending educational association.

26. Where there are more high schools than one in an urban municipality the board may appoint a supervising principal having the qualifications of a high school principal who, subject to the Regulations, shall perform such duties in connection with the high schools as may be assigned to him by the board. 9 Edw. VII. c. 91, s. 26. Supervising principal in urban municipality.

PROPERTY VESTED IN BOARDS.

High school
property
vested in
trustees.

27.—(1) All property heretofore granted or devised to, acquired by or vested in any person or corporation for the high school purposes of any locality, or which may hereafter be so granted, devised, acquired or vested shall be vested in the board having jurisdiction in such locality.

Power to
sell or con-
vey, etc.

(2) The board shall have full power to sell, convey, transfer or lease such property, or any part thereof, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes. 9 Edw. VII. c. 91, s. 27.

Power to
sell site.

28. A board, with the approval of the municipal council or of a majority of the municipal councils having jurisdiction within the high school district, and of the Minister, may sell and transfer any site or other property vested in the board, and after making provision for all debts and liabilities of the board may apply the residue of the proceeds to any purpose that may be approved by the Minister, and thereupon the Lieutenant-Governor in Council may by proclamation declare the corporation dissolved. 9 Edw. VII. c. 91, s. 28.

SCHOLARSHIPS.

Establishment
of scholarship.

29. Any person may, with the approval of the board, found a scholarship or prize. 9 Edw. VII. c. 91, s. 29.

Scholarships
for public
and separate
school pupils.

30.—(1) A board may annually award five scholarships to the pupils of the public or separate schools situate within the high school district.

Number and
mode of
awarding.

(2) The number of such scholarships shall be fixed by the high school board which may award the same by competitive examinations or otherwise and may prescribe the tenure of such scholarships and provide for the expenses of holding examinations therefor.

Who may
receive.

(3) A scholarship shall be awarded only to a pupil who is a ratepayer or the child of a ratepayer in a municipality contributing to the maintenance of the high school. 9 Edw. VII. c. 91, s. 30.

Free scho-
larships.

31.—(1) A board may annually award free scholarships to the pupils on the results of form or other examinations.

Rules as to.

(2) The board may make such rules and regulations regarding such scholarships as it may deem expedient. 9 Edw. VII. c. 91, s. 31.

32.—(1) Subject to the Regulations the high school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and may make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein, and may make it a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules. *See* 9 Edw. VII. c. 88, s. 108.

Board may make annual grant to the superannuation fund.

(2) A board may invest any money received through legacy, gift, superannuation fund, or in its hands for the purposes of a superannuation fund or otherwise, and for such purposes shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. 3-4 Geo. V. c. 70, s. 31.

Investment of funds.

Rev. Stat. c. 121.

MUNICIPAL GRANTS FOR MAINTENANCE.

33.—(1) The council of every county shall on or before the 15th day of December in each year pay to the board of every high school in towns not separated from the county, and in villages and townships within the county for the maintenance of the high schools, without any deduction on account of fees paid by county pupils, an amount equal to that apportioned by the Minister to such high school out of the legislative grant for the maintenance of high schools.

Aid to high schools from counties.

(2) Where an Agricultural Department is established by the Minister in a high school the council of the county in which the high school is situate shall on or before the 15th day of December in each year pay to the board of the school in which such department is established the sum of \$500 which shall be applied by the board to the purposes of such department. 9 Edw. VII. c. 91, s. 33.

County grant to agricultural department.

34.—(1) Where the cost of the maintenance of county pupils at a high school exceeds the amount apportioned by the Minister and the fees received from county pupils the county shall, in lieu of the equivalent of the amount apportioned out of the legislative grant, pay to the board a sum to be ascertained in the manner following:—

When further grant from county to be made.

From the total cost of maintenance of the high school the amount apportioned out of the legislative grant shall first be deducted, the remainder shall be divided by the total number of days' attendance of all pupils at the school during the next preceding three years, and the resulting amount shall be multiplied by the total number of days' attendance of county pupils during the same three years, and from the resulting amount the fees received from county pupils shall be deducted and the remainder shall be the sum payable by such county.

Mode of ascertaining county grant.

(2) Where a high school has not been in existence for three years the attendance shall be reckoned for the period during which it has been open.

Reckoning attendance in case of new school.

Reference of
disputes to
county judge.

(3) The board and the county council may by agreement settle the amount to be paid by the county for the maintenance of county pupils in any year, but if they do not agree the same shall be settled by the Judge on the application of either party.

Not to affect
county aid.

(4) No agreement or settlement so made shall affect the apportionment of county aid authorized by section 39.

Award of
judge binding
for 3
years.

(5) Where a high school has been in existence for three years or more an award made by the Judge shall be binding for three years, and where it has not been in existence for three years for one year only.

Statements
to be sub-
mitted to
judge.

(6) In case of a reference the board shall submit to the judge a detailed statement of all receipts and expenditures for maintenance of the high school for each of the preceding years or a less period under consideration, which shall be certified by the auditors, and a statement certified by the chairman of the board of the names, residences and attendance of all resident, non-resident and county pupils for each of such years or for such period, and giving a separate list with names and addresses of the county pupils on whose account the demand for payment is made, and a statement certified by the chairman of the amount apportioned out of the legislative grants and of all fees received from county pupils during each of such years or during such period, and shall also furnish to the judge such further information as he may require. 9 Edw. VII. c. 91, s. 34.

Maintenance
of county
pupils in
city or
town high
school.

35.—(1) Where the board of a city or a separated town has notified the county clerk that the high school is open to county pupils on the same terms as high schools in the municipalities not separated from the county are open to such pupils the county council shall, on or before the 15th day of December in each year, pay a sum equal to eighty per cent. of the cost of the maintenance of county pupils at such high school.

Maintenance
of pupils from
adjacent
county.

(2) Where the board of a city, town, village or township has notified the clerk of any county adjacent to that in which the high school is situate that such high school is open to pupils resident in such adjacent county on the same terms as to county pupils the council of such adjacent county shall, on or before the 15th day of December in each year, pay for the maintenance of pupils from such county attending such high school a sum equal to sixty-five per cent. of the cost of the maintenance of pupils at such high school.

Certain cities
excepted.

(3) Subsections 1 and 2 shall not apply to a city which has a population of 50,000 or over.

Contribution
by city council
to cost of
maintenance
of pupils at
school in
adjoining
municipality.

(4) Where the board of a municipality contiguous to a city gives notice to the city clerk that such high school is open to city pupils on the same terms as it is open to the resident pupils of the municipality in which the high school is situate the council of the city shall, on or before the 15th day of

December in each year, pay to the board eighty per cent. of the cost of maintenance of city pupils at the high school.

(5) The amount payable under subsections 1, 2 and 4 shall be ascertained as follows:—

Mode of
ascertaining
amount pay-
able by city.

From the total cost of maintenance of the high school the amount apportioned out of the legislative grants shall first be deducted; the remainder shall be divided by the total number of days' attendance of all pupils at such high school during the year for which payment is to be made; the resulting amount shall be multiplied by the total number of days' attendance of pupils in respect of whom such county or municipality is liable; the percentage prescribed by the subsection under which payment is to be made shall then be determined, and from that amount the fees paid by such pupils shall be deducted, and the resulting amount shall be the sum payable by such county or municipality.

(6) Where the parties do not agree as to the amount payable the same shall be ascertained by the judge on the application of either party.

Reference of
disputes
to judge.

(7) On the reference to the judge the board shall submit to him statements similar to those mentioned in subsection 6 of section 34, certified in a similar manner, and shall furnish such further information as he may require. 9 Edw. VII. c. 91, s. 35.

Statements
to be sub-
mitted to
judge.

36. The costs of a reference to the judge under sections 34 or 35 shall be in his discretion and the amount thereof shall be fixed by him and he may direct to and by whom and in what manner the same shall be paid. 9 Edw. VII. c. 91, s. 36.

Costs of
reference to
judge.

COLLECTION OF RATES.

37. The council or councils having jurisdiction shall levy and collect each year in their respective municipalities or the parts thereof within the high school district such amount as the board may deem necessary for the maintenance of the high school in addition to that received from the county council and from other sources under this Act, and a further sum, not exceeding \$500 in any one year, if required by the board for permanent improvements, and such amount shall be levied by one uniform rate over the whole district. 9 Edw. VII. c. 91, s. 37.

Councils to
levy rates in
high school
districts.

GRANTS FOR PERMANENT IMPROVEMENTS.

38.—(1) Where the sum required by a board for permanent improvements exceeds \$500 the same shall be raised on the application of the board by the issue of municipal debentures as herein provided, and all sums required to pay off such debentures and to pay interest thereon and the expenses con-

Grants for
permanent
improvements
exceeding
\$500.

needed therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district.

Application of board to council.

(2) The application of the board shall be made to the council or councils having jurisdiction over the high school district, and in it the board may state the minimum term of years, not exceeding thirty, within which the sum required is to be repaid.

Council to deal with application.

(3) The council, or, if more than one, each of the councils applied to, at its first meeting after receiving the application or as soon thereafter as possible shall consider and approve or disapprove the same; and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

Issue of debentures.

(4) If the council or a majority of the councils, where there are more than one, approve of the application the council of the municipality within which the high school is situate shall raise the sum required by the issue of debentures in the manner provided by *The Municipal Act*.

Rev. Stat. c. 192.

Submission of application to ratepayers.

(5) If the council, or half the number of councils where there are more than one, disapprove of the application such council, or each of such councils where there are more than one, on the request of the board shall submit the application to a vote of the electors of its municipality or of the part thereof comprised in the high school district in the manner provided by *The Municipal Act*, in the case of a money by-law.

Rev. Stat. c. 192.

When rate-payers approve application debentures to be issued.

(6) If a majority of the votes cast throughout the high school district are in favour of the application the council of the municipality in which the high school is situate shall in the manner provided by *The Municipal Act*, but without submitting any by-law to the electors, raise the required sum by the issue of debentures.

Rev. Stat. c. 192.

Council may act without submission to ratepayers.

(7) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the same to a vote of the electors.

Proportionate liability for debenture debt.

(8) Where a high school district comprises more than one municipality or parts of more than one municipality each municipality shall be liable for such proportion of the principal and interest payable under and of the expenses connected with the debentures as the equalized assessment of that part of the high school district which is within such municipality bears to the equalized assessment of the whole district, and the council of each of the other municipalities shall pay its proportion to the council of the municipality which has issued the debentures.

(9) A debenture may be for such term of years, not exceeding thirty and not less than that mentioned in the application of the board, as the municipal council or councils concerned or a majority of them may think proper, or the council or councils or a majority of them shall, if the board has so requested, and may whether such request has been made or not, make the debenture debt payable by annual or other instalments in the manner provided by *The Municipal Act*. Term of debentures.

(a) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall for the purposes of this subsection be deemed a majority. Rev. Stat. c. 192.

(10) Nothing in this section shall prevent the municipality in which the high school is situate from assuming the full cost of permanent improvements or from undertaking to pay any debentures that may be issued therefor notwithstanding that such municipality forms only a part of the high school district. 9 Edw. VII. c. 91, s. 38. Municipality in which high school is situated may assume full cost of permanent improvements.

39.—(1) The council of any municipality or county may raise by assessment, in addition to any sum which it is required by this Act to raise, such further sums as it may deem expedient for the maintenance or permanent improvement of a high school, provided that, in the case of a county, any additional sum so raised shall be apportioned, except as hereinafter provided, among all the high schools of the county in proportion to the liability of the county to each board. Council may raise further sum for high school purposes.

(2) The council of a county may by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the high schools in the county without making a similar provision for the other high schools therein. 9 Edw. VII. c. 91, s. 39. County council may make grants to particular schools.

40.—(1) All money which a municipal council is required by this Act to collect for permanent improvements shall be paid to the treasurer of the board on or before the 31st day of December of the year in which application was made by the board for such money. Payment of grants permanent improvements.

(2) All money which a council is required to collect by assessment, or to raise by way of loan or otherwise, for the maintenance of a high school shall be paid from time to time to the treasurer of the board as the board may require. 9 Edw. VII. c. 91, s. 40. For maintenance.

41. The council of united counties may apportion the amount to be levied for high school purposes so that each county shall be liable only for the maintenance of the high schools within such county, but in such case each of the counties shall pay for the maintenance of pupils residing therein who attend any high school situate in any other of the counties. 9 Edw. VII. c. 91, s. 41. Apportionment of high school grant in united counties.

HIGH SCHOOL FEES.

- Fees of county pupils.** 42.—(1) County pupils shall pay such fees as the county council may prescribe, but such fees shall be uniform for all high schools in the county, or in the case of united counties for each county in the union, and shall not exceed one dollar per month.
- When scale of fees to take effect, duration.** (2) The scale of fees shall take effect from the beginning of the high school term next after the adoption thereof and shall continue in force for three years or for such term as may be agreed upon between the board and the county council.
- County pupils attending high school in city or town.** (3) County pupils admitted to a high school situate in a city or in a separated town on the same terms as resident pupils shall pay the same fees as are paid by resident pupils.
- Non-resident pupils.** (4) Non-resident pupils shall pay such fees as the board may prescribe, but such fees shall not be greater than the average cost per pupil of maintenance of the high school nor less than the fees imposed by the council on county pupils.
- Resident pupils.** (5) Resident pupils shall pay such fees as the board may prescribe.
- Council may pay fees.** (6) The council of a municipality not included, or not wholly included, in a high school district may provide by assessment for the payment of any fees imposed by the county council on county pupils who reside in such municipality, or by the board on non-resident pupils who reside in such municipality: but in the case of a municipality not wholly included such assessment shall be confined to the part which is not included within the high school district.
- Fees to be paid to treasurer.** (7) The fees payable under this section shall be payable to the treasurer of the board. 9 Edw. VII. c. 91, s. 42.
- What school pupils may attend.** (8) County pupils shall have the right to attend any high school aided by the council of the county in which they or their parents or guardians reside. Resident pupils shall have the right to attend the high school of the district in which they or their parents or guardians reside. Non-resident pupils may attend any high school at the discretion of the Board. 9 Edw. VII. c. 91, s. 43.

HIGH SCHOOL ENTRANCE EXAMINATIONS.

General.

Who may be admitted to high schools.

44. Subject to the Regulations—

- (a) Candidates who pass the uniform entrance examination for high schools held by boards of examiners provided for in this Act shall be granted admission to the high schools.

- (b) Candidates who have completed the course prescribed for the fourth form of the public school or who have in the opinion of a board of examiners completed a course which gives them an equivalent standing may in the discretion of such board of examiners be by it admitted to the high schools without passing such entrance examination. 9 Edw. VII. c. 91, s. 44; 3-4 Geo. V. c. 70, s. 32.

- (c) A candidate shall be entitled to enter a high school while it is conducted at night if in the opinion of the principal of the high school and of the public school inspector or the chief public school inspector of the high school district, after due examination or other investigation, he is competent to take up the subjects as prescribed by the Regulations; but such admission shall not entitle him to admission to the high school when conducted by day. 3-4 Geo. V. c. 70, s. 33.
- Provision for attendance at high school conducted at night.

45.—(1) Subject to the Regulations the Minister may establish an examination for entrance to the middle school of the high schools for those who have completed the course prescribed for the lower school of the high schools, and such examinations shall be known as “The Senior High School Entrance Examination.”

Examination for entrance into middle school of high school.

(2) After the establishment of such examination the entrance examination provided for by section 44 shall be known as “The Junior High School Entrance Examination.” 1 Geo. V. c. 17, s. 56 (3).

“The Junior High School Entrance Examination.”

46.—(1) Subject to the Regulations any person actually engaged in teaching in the high school district, if a qualified examiner can be obtained therein, who holds—

Who may be examiners at entrance examinations.

- (a) a permanent High School certificate, or
- (b) a permanent First Class certificate, or
- (c) a Provincial Second Class certificate, and has had five years' experience as a teacher

may be appointed a presiding officer or a member of a board of examiners. 9 Edw. VII. c. 91, s. 45; 2 Geo. V. c. 76, s. 21.

(2) The Minister may suspend any member of the board from membership therein for such period as he may deem expedient in case of the failure of such member to properly observe the Regulations with regard to High School Entrance Examinations or of being guilty of other misconduct in office.

Member of board may be suspended for non observance of regulations, etc.

(3) The Minister may appoint some other qualified person to act in the place of the member so suspended. 3-4 Geo. V. c. 70, s. 34.

Appointment during suspension.

In the Counties.

Centres to be established.

47.—(1. (a) In a county in which one or more high schools have been established one or more examination centres shall be established by the high school board from time to time in each district and in other parts of the county by the county council. The county clerk or the secretary of the board, as the case may be, shall give due notice to the public school inspector of the establishment of such centres, and the inspector shall attach each centre established by the county council to the centre or centres of one of the high school districts. 9 Edw. VII. c. 91, s. 46 (1) (a).

One board of examiners for each district.

(b) A high school district shall be under one board of examiners. The public school inspector of an inspectorate in which a high school centre or attached county centre is situate and the high school principal or principals in the high school district shall be members of the board of examiners. The public school board and the board of separate school trustees, if any, of the city, town or village in which the high school is situate may each, on or before the first day of June in any year, appoint an additional member to the board. The county council may also on or before the 1st day of June in any year appoint the principal of one continuation school, having a staff of at least two teachers, to be a member of the board of examiners of the high school district to the centre or centres of which his county centre is attached. 9 Edw. VII. c. 91, s. 46 (1) (b); 2 Geo. V. c. 76, s. 22.

Examiners in counties not having a high school.

(2) (a) In a county in which no high school has been established, the county council, at its meeting in June in each year, shall appoint a county board of examiners, consisting of the public school inspectors, with as many more members as may appear to be necessary, and preference shall be given to the principals of the continuation schools of the county.

County centres.

(b) The county council shall also establish such county centres as it may deem necessary, and the county clerk shall notify the public school inspectors of the establishment of such centres.

Additional examiners.

(3) Subject to the Regulations, every board of examiners shall in each year appoint such additional members as may be required.

Payment of examiners' fees.

(4) Subject to the Regulations, the expenses of the examination shall be paid, on the requisition of the chairman of the board of examiners, in the case of county centres by the treasurer of the county, and in the case of the high school district centres by the treasurer of the high school board.

Candidates' fees.

(5) The county council or the high school board, as the case may be, may impose a fee not exceeding \$1 upon each candidate at the county and the high school district centres, which shall be paid by the candidate as prescribed by the Regulations, and shall be paid over at or before the close of

the written examination to the treasurer of the county or of the board, as the case may be. 9 Edw. VII. c. 91, s. 46 (2-5).

In the Territorial Districts.

48.—(1) (a) Where there are one or more high schools in a public school inspectorate in territory without county organization there shall be a board of examiners for each high school. The inspector for the inspectorate in which the high school is situate and the high school principal or principals in the high school district shall be members of the board. The public school board and the board of separate school trustees, if any, of the city, town or village in which the high school is situate may each, on or before the first day of June of any year, appoint an additional member. Subject to the Regulations, the board of examiners in each year shall appoint such additional members as may be required, and preference shall be given to the principals of continuation schools in the inspectorate. Examiners in territorial districts.

(b) One or more centres shall be established by the high school board in each high school district and, with the approval of the Minister, other centres may be selected and attached by the public school inspector to one of the high school district centres in his inspectorate. Examination centres.

(2) (a) In an inspectorate in which no high school has been established there shall be a board of examiners consisting of the public school inspector and as many more members as may appear to him to be necessary appointed by the inspector, with the approval of the Minister, and preference shall be given to the principals of continuation schools in the inspectorate. Where no high school has been established.

(b) In such inspectorates the centres shall be selected by the inspector with the approval of the Minister.

(3) Subject to the Regulations, the expenses of the examinations shall be paid by the Minister out of any money appropriated by legislation and applicable to that purpose. 9 Edw. VII. c. 91, s. 47. Expenses: how borne.

HIGH SCHOOL TEACHERS.

49.—(1) No person shall be appointed principal or assistant teacher in a high school who does not possess the qualifications prescribed by the Regulations. 9 Edw. VII. c. 91, s. 4 (2); 3-4 Geo. V. c. 70, s. 35. Qualification.

(2) Every teacher of a high school shall in the organization, discipline, management and classification of the pupils be subject to the Regulations.

(3) The provisions of *The Public Schools Act* respecting superannuation shall apply to teachers of high schools. 9 Edw. VII. c. 91, s. 48 (3-4). Superannuation. Rev. Stat. c. 266.

AGREEMENTS.

Proportion of salary to which teacher entitled.

50. (1) A teacher who enters into an agreement with a board for one year and who serves under such agreement for three months or over shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year. 9 Edw. VII. c. 91, s. 49 (1).

Sickness or dental treatment.

(2) A teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery; but the period of four weeks may in any case of sickness be allowed and extended at the pleasure of the Board without a certificate. 9 Edw. VII. c. 91, s. 49 (2); 1 Geo. V. c. 17, s. 56 (1).

Suspension for neglect of duty.

(3) A high school inspector may, on the complaint of a board, suspend the certificate of a teacher who wilfully neglects or refuses to carry out his agreement with the board, but the teacher may appeal to the Minister who may make such order with regard to the suspension as he may deem proper.

Disputes between teachers and trustees.

(4) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the Division Court of the division in which the cause of action arose, subject to the same right of appeal as under *The Public Schools Act*. 9 Edw. VII. c. 91, s. 49 (3, 4).

Retr. stat. c. 268.

RETIRING ALLOWANCES.

Retiring allowance to teachers.

51. Where a teacher or an officer whose time is entirely devoted to the work of the board retires, having reached the age of 60 years, or after having been for 20 years in the service of the board, the board may grant him an annual allowance not exceeding the salary which he was receiving at the time of his retirement, or may make a grant to him by way of gratuity of such sum as will represent not more than the present value of such allowance for his life computed on the basis of interest at the rate of four per centum per annum. 9 Edw. VII. c. 91, s. 50.

SCHOOL YEAR AND HOLIDAYS.

Terms.

52.—(1) The school year shall consist of three terms; the first shall begin on the first Tuesday of September and end on the 22nd of December, the second shall begin on the 3rd of January and end on the Thursday before Easter Day, and the third shall begin on the second Monday after Easter Day and end on the 29th of June.

(2) Every Saturday, every public holiday and every day ^{Holidays.} proclaimed a holiday by the council of the municipality in which the school is situate shall be a school holiday. 9 Edw. VII. c. 91, s. 51.

AUTHORIZED BOOKS.

53.—(1) A teacher shall not use or permit to be used as a ^{Text-books.} text-book in a high school any book except such as is authorized by the Regulations, and the Minister, upon the report of the inspector, may withhold the whole or any part of the legislative grant in respect of any high school in which any unauthorized book is so used.

(2) Subject to the Regulations an authorized text-book in ^{Change of text-books.} actual use in a high school may, with the written approval of the board, be changed by the teacher for any other authorized text-book on the same subject. 9 Edw. VII. c. 91, s. 52.

OFFENCES AND PENALTIES.

54. A high school trustee shall not enter into any contract, ^{Seat vacated by interest in contract with board.} agreement, engagement or promise of any kind, either in his own name or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit, or promised or expected benefit with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the municipality or the appointing body of the vacancy. 9 Edw. VII. c. 91, s. 53.

55. No person shall be disqualified from being a member of ^{Newspaper proprietors inserting official advertisements not disqualified from sitting on boards, etc.} a board or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which an advertisement is inserted by the board in the regular course of business, or which is subscribed for by the board, if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. 9 Edw. VII. c. 91, s. 54.

56. If a trustee is convicted of an indictable offence, or ^{Seat vacated by conviction for crime, etc.} becomes insane, or, without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the county or municipality the council or school board of which appointed him, he shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the council of the county or municipality or other appointing body of the vacancy. 9 Edw. VII. c. 91, s. 55.

Disturbing
schools.

57. Any person who wilfully interrupts or disquiets any high school by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held or so near thereto as to interfere with the order or exercises of the school, shall for each offence incur a penalty not exceeding \$20. 9 Edw. VII. c. 91, s. 56.

Substitution
of unauthor-
ized text
books.

58. If a teacher negligently or wilfully permits an unauthorized book to be used as a text book by the pupils of his school the Minister, on the report of the inspector, may suspend such teacher and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of such use or any less sum at its discretion. 9 Edw. VII. c. 91, s. 57.

Disqualified
persons acting
as trustees.

59.—(1) A trustee who sits or votes at any meeting of the board while disqualified under this Act shall incur a penalty of \$20 for every meeting at which he so sits or votes.

Penalty for
refusal to
perform duties.

(2) Every person appointed as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding \$20. 9 Edw. VII. c. 91, s. 58.

Disqualifica-
tion for hold-
ing certain
offices.

60. A trustee shall not be eligible for appointment as a high school teacher, nor shall the teacher of a high, public or separate school hold the office of high school trustee. 9 Edw. VII. c. 91, s. 59.

Liability for
neglect to
take security.

61. If a board refuses or neglects to take proper security from the treasurer or other person to whom they entrust school money and any school money is forfeited or lost to the board in consequence of such refusal or neglect every member of the board shall be personally liable for such money, and the same may be recovered by the board or any ratepayer or ratepayers interested therein suing on behalf of himself or themselves and all ratepayers of the high school district interested in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. 9 Edw. VII. c. 91, s. 60.

Trustee may
not be sec-
retary, treas-
urer, or
bondsmen.

62. A trustee shall not be appointed secretary, treasurer, or secretary-treasurer of the board or be bondsman or surety for the treasurer or secretary-treasurer or for any person entrusted with school money. 9 Edw. VII. c. 91, s. 61.

Duty to
deliver up
books or
money.

63.—(1) A treasurer, secretary or secretary-treasurer, or a person having been such treasurer, secretary or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money which came into his possession as such treasurer, secretary, secretary-treasurer, or trustee or otherwise shall not wrongfully withhold or neglect or refuse to deliver up or account for and pay over the same

to the person and in the manner directed by the board or by other competent authority.

(2) Upon application to the judge by the board, supported by affidavit, showing such wrongful withholding or refusal the judge may summon such treasurer, secretary, secretary-treasurer, trustee or person to appear before him at a time and place appointed by him. Summons for appearance.

(3) A bailiff of a division court upon being required so to do by the judge shall serve the summons, or a true copy thereof, on the person complained against personally or by leaving the same with a grown-up person at his residence. Service of summons.

(4) At the time and place so appointed the judge if satisfied that service has been made shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow. Order to account

(5) In the event of non-compliance with the order the Judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county or district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority. Effect of non-compliance with judge's order.

(6) Upon proof of his having so done the judge shall make an order for his discharge and he shall be discharged accordingly. Discharge on complying with order.

(7) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the judge may order his discharge on such terms or conditions as he may deem just. Discharge on terms.

(8) Such proceedings shall not impair or affect any other remedy which the board or other competent authority may have against the person complained against or against any other person. 9 Edw. VII. c. 91, s. 62. Other remedy not affected.

64. It shall be the duty of a board and of the treasurer, secretary or secretary-treasurer to furnish the auditors with any papers and information in their power which may be required of them relative to the school accounts, and any member of the board and a treasurer, secretary or secretary-treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. 9 Edw. VII. c. 91, s. 63. Penalties on trustees refusing information, etc., to auditor.

Penalty for
false school
reports and
registers.

65. If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, such trustee or teacher shall for every offence incur a penalty not exceeding \$20. 9 Edw. VII. c. 91, s. 64.

[N.B.—*A trustee, teacher, inspector or officer of the Department of Education who is concerned or interested in the sale of books or supplies, and any one employing or paying him to act as agent or otherwise, are liable to the penalties imposed by The Department of Education Act. Rev. Stat. c. 265.*]

Recovery of
penalties.
Rev. Stat. c. 90.

66.—(1) The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*.

Who may
prosecute.

(2) Any ratepayer, trustee or high school teacher may take proceedings to recover any such penalty.

Payment and
application of
penalties.

(3) Unless otherwise provided all such penalties shall be payable to the treasurer of the board of the high school district in which the offence was committed and shall be applied to high school purposes, except when the penalty is imposed upon a treasurer, secretary or secretary-treasurer, in which case the same shall be payable to the chairman of the board and shall be applied to high school purposes. 10 Edw. VII. c. 91, s. 65.

CHAPTER 269.

An Act respecting Boards of Education.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

GENERAL.

1. This Act may be cited as *The Boards of Education Act*. Short title.
9 Edw. VII. c. 94, s. 1.
2. In this Act— Interpretation.
 - (a) "High School" shall include a Collegiate Institute; "High School."
 - (b) "High school district" and "district" shall mean the territory over which a high school board has jurisdiction; "High School District."
 - (c) "Municipal Board" and "Municipal Board of Education" shall mean a board of education organized pursuant to a resolution passed by the council of any city, town or village under the provisions of this Act or of the Act passed in the third year of the reign of His late Majesty King Edward VII., chaptered 31, or of the Act passed in the fourth year of His said late Majesty's reign, chaptered 33; "Municipal Board" or "Municipal Board of Education."
 - (d) "Secretary" and "Treasurer" shall include a secretary-treasurer; "Secretary" or "Treasurer."
 - (e) "Union Board" and "Union Board of Education" shall mean a board of education formed by the union of a high school board with one or more public school boards, pursuant to resolutions passed by the respective boards forming such union under the provisions of this Act or *The Public Schools Act* or *The High Schools Act* in force at the time such union was formed. "Union Board" or "Union Board of Education."
Rev. Stat. c. 266.
Rev. Stat. c. 268.
9 Edw. VII. c. 94, s. 2.

MUNICIPAL BOARDS OF EDUCATION.

3. Every board of education heretofore organized under the authority of the Act passed in the third year of the reign of His late Majesty King Edward VII., chaptered 31, or of the Act passed in the fourth year of His said late Majesty's reign, chaptered 33, is hereby continued and shall Boards of Education formed under 3 Edw. VII., c. 31, and 4 Edw. VII., c. 33, continued.

continue to possess all the property, powers and rights and perform all the duties and be subject to all the obligations which it possessed, performed and was subject to at the time of the passing of this Act, and shall hereafter be subject to the provisions thereof relating to municipal boards. 9 Edw. VII. c. 94, s. 3.

Resolution
to form
Municipal
Board of
Education.

4.—(1) When a high school district does not extend beyond the limits of the municipality the council of a city, town or village in which one or more high schools are situate may, on or before the first day of October in any year, at a meeting specially called for the purpose, declare by resolution that it is expedient to form a municipal board of education under this Act.

May be passed
although union
board exists.

(2) Such resolution may be passed notwithstanding that a union board of education already exists in the municipality. 9 Edw. VII. c. 94, s. 4 (1, 2).

Submitting
question of
establish-
ment of
Board of
Education
to electors.

(3) The council shall, at the next succeeding municipal election, submit to a vote of the electors the question: "Are you in favour of the formation of a Municipal Board of Education," and in case the question is answered in the affirmative by a majority of the electors voting thereon, the elective members of the board shall be elected at the next ensuing municipal election, and the members to be appointed shall thereupon be appointed and the Board organized in accordance with the provisions of this Act. 1 Geo. V. c. 17, s. 57 (1).

Powers,
rights and
duties of.

(4) Upon the organization of the board all the property theretofore vested in such previous boards shall become vested in the municipal board, and all the debts, contracts and agreements for which the previous boards were liable shall become obligations of the municipal board. 9 Edw. VII. c. 94, s. 4 (4).

Composition
of Municipal
Boards.

5.—(1) Except as hereinafter provided every municipal board shall be composed as follows:—

(a) In a city having a population of not less than 50,000 or more, of fourteen members, twelve of whom shall be elected as hereinafter provided and two of whom shall be appointed by the separate school board of the city;

(b) In a city having a population of less than 50,000, of ten members, nine of whom shall be elected as hereinafter provided and one appointed by the separate school board of the city;

(c) In a town or village, of eight members, seven of whom shall be elected as hereinafter provided and one appointed by the separate school board of such town or village;

(d) Subject to the provisions of clause (e) where there is no separate school board, the board shall be composed of the elected members only; 9 Edw. VII. c. 94, s. 5 (1) (a-d).

(e) In the case of a municipal board having jurisdiction over a high school situate in a municipality not separated from the county the council of such county at their first meeting in the second year following the passing of the resolution mentioned in section 4 shall appoint three additional members of the board, one for one year, one for two years, and one for three years, and thereafter shall appoint a member to fill each vacancy as it occurs. 9 Edw. VII. c. 94, s. 5 (1) (e); 2 Geo. V. c. 76, s. 23.

Appointment by county councils to boards in towns not separated from county.

(2) A Board shall not be deemed incomplete by reason only of the failure of an appointing body to appoint the member or members which it has the right to appoint.

Board not to be incomplete by reason of failure to appoint.

(3) The members to be elected shall be elected by the general vote of the persons qualified to vote for public school trustees, and the election shall be held at the same time and place, by the same returning officer and in the same manner as the election of a mayor or reeve; and, save as otherwise provided, all the provisions of *The Public Schools Act* respecting the qualification of trustees and the election of trustees by ballot shall apply to the election.

Mode of election.

Rev. Stat. c. 266.

(4) The first election shall take place at the time of holding the municipal elections for the year following the passing of the resolution mentioned in section 4; but nothing in this Act shall affect any board having jurisdiction over any public school, high school or technical school during the year in which such resolution is passed.

First election of members of board.

(5) Every person qualified to vote shall be entitled to as many votes as there are members to be elected, but may not give more than one vote to any one candidate.

Number of votes for candidates.

(6) At the first election the full number of elective members shall be elected.

First election after organization.

(7) One-half of the members so elected where the number of elected members is an even number, and the next number higher than one-half where the number of elected members is an odd number, who receive the highest number of votes, shall continue in office for two years thereafter and until their successors are elected and the new board is organized, and the remaining members shall continue in office for one year and until their successors are elected and the new board is organized.

Term of office of first members.

(8) Where two or more members receive an equal number of votes at the first election and no agreement as to which of them shall retire is reached at the first meeting of such board,

Retirement where members have equal votes.

then at the next meeting the question shall be determined by lot to be cast by the secretary in presence of the board, and the result shall be entered upon the minutes of the meeting.

Subsequent elections.

(9) At each annual election after the first a sufficient number of members shall be elected for two years to fill the place of members retiring.

Retiring members eligible for re-election.

(10) The members retiring at the expiration of the terms for which they were respectively elected or appointed shall be eligible for re-election or re-appointment if otherwise qualified.

Appointment by separate school board.

(11) The appointment of a member or members by the separate school board shall be made at the first meeting thereof in the year in which the first election of the municipal board is held and at its first meeting in every second year thereafter.

Term of office.

(12) Any member so appointed shall hold office for two years and until his successor is appointed.

Members of appointment body not eligible.

(14) No member of a body having the right to appoint a member of a municipal board of education shall be eligible for appointment or election as a member of the board. 9 Edw. VII. c. 94, s. 5 (2-13).

Election of members by wards in cities of 200,000. Submission of question.

6.—(1) The council of any city having a population of not less than 200,000 may at any time before the first day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of electing the Board of Education by wards?" The provisions of paragraph 10 of section 398 of *The Municipal Act*, shall with such variations as may be necessary apply to the taking of such vote.

How Board to be constituted if question answered in affirmative.

(2) In case the question is answered in the affirmative by a majority of the persons qualified to vote thereon the clerk of the city shall notify the secretary of the board of education in writing of the result of the voting, and all the members of the board of education shall cease to hold office on the 31st day of December of the same year, and thereafter the board shall consist of two members to be elected in each ward of such city and two members who shall be appointed by the separate school board.

First election.

(3) At the first election held after the question shall have been so answered in the affirmative the requisite number of members shall be elected; and in each ward the two candidates receiving the highest number of votes shall be elected, and as between themselves the candidate having the larger number of votes shall continue in office for two years and the other for one year and until their respective successors have been elected under this Act and the new board organized.

(4) At each annual election after the first the term of office of each elected member shall be two years. Term of office.

(5) All the provisions of *The Public Schools Act* respecting the qualification and election of trustees shall apply to the election of such members. Provisions of Public Schools Act, Rev. Stat. c. 266, as to qualification and election to apply.

(6) Save as in this section is otherwise provided the provisions of this Act shall apply to a board of education organized under this section. 9 Edw. VII. c. 94, s. 6. Application of general provisions.

7.—(1) Where the office of an elected member becomes vacant from any cause before the expiration of the term for which he was elected a majority of the remaining elected members present shall, at the first regular meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy and the person so elected shall hold office for the remainder of the term for which his predecessor was elected. Vacancies in cases of elected members.

(2) In case of an equality of votes the elected member having the largest number of votes at his election shall have a second or casting vote. Casting vote.

(3) In cities where trustees are elected by wards the vacancy shall be filled by an election in the ward in which the vacancy occurs. 10 Edw. VII. c. 26, s. 26 (1). Where trustees are elected by wards.

8.—(1) Where the office of an appointed member becomes vacant from any cause before the expiration of the term for which he was appointed the vacancy shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the remainder of the term for which his predecessor was appointed. Vacancies in cases of appointed members.

(2) When an appointing body fails to appoint a member at the prescribed time the appointment may be made subsequently, but the term of office of the person appointed shall expire as if he had been appointed at the time prescribed. 9 Edw. VII. c. 94, s. 8. Failure to appoint at prescribed time.

9. Unless all members of the new board have been appointed and a date for the first meeting has been decided upon by the old board the first meeting of every municipal board in each year shall be held at the hour of eight o'clock in the evening of the first Wednesday in February. 9 Edw. VII. c. 94, s. 9; 2 Geo. V. c. 76, s. 24. First meeting each year.

10. Every municipal board shall be a corporation by the name of "*The Board of Education for the (naming the city, town or village)*" and shall have and possess all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board, a high school board or a technical school board. 9 Edw. VII. c. 94, s. 10. Board to be a corporation.

INSPECTORS.

Minister to determine number of inspectors

11.—(1) The Minister shall from time to time determine the number of public school inspectors to be appointed by a municipal board in any city or separated town. 1 Geo. V. c. 17, s. 57 (2).

Where more than one inspector, a chief inspector may be appointed.

(2) Where more inspectors than one are appointed the board may designate one of such inspectors "chief inspector" and the other or each of the others "inspector," and shall prescribe the duties of each. 9 Edw. VII. c. 94, s. 11 (3).

Union board to be dissolved on organization of municipal board.

12. Where a municipal board is organized under this Act in a municipality any union board of education then existing therein shall thereby be dissolved. 9 Edw. VII. c. 94, s. 12.

UNION BOARDS OF EDUCATION.

Union boards of education.

13.—(1) A high school board of a municipality in which a municipal board has not been organized and the board of public school trustees of the same municipality may unite as a union board of education on filing with the clerk of the municipality in which the high school is situate certified copies of resolutions providing for such union passed at separate meetings of each of the boards called for the purpose of considering such union.

Powers, rights and duties of former school boards.

(2) The union shall take effect on the next date following the passing of such resolutions fixed under this Act for the first meeting in each year of a union board, and upon the formation of such union board all property theretofore vested in the boards so uniting shall become vested in such union board, and all debts, contracts, agreements and obligations of the boards so uniting shall become debts, contracts, agreements and obligations of the union board.

Former trustees to continue in office.

(3) The members of the high school and public school boards forming the union who are then in office shall continue in office until the expiration of the terms for which they were respectively appointed or elected and shall be the members of the union board, and the trustees for such public and high schools shall continue to be appointed and elected as if the union had not been formed and when so appointed or elected shall be the members of the union board. 9 Edw. VII. c. 94, s. 13.

New trustees to be elected and appointed pursuant to public and high schools Acts.

To be a corporation.

14. Every union board shall be a corporation by the name of "The Board of Education for (naming the municipality in which the high school is situate)," and such corporation shall have all the powers, perform all the duties and be subject to all the obligations of high school and public school boards. 9 Edw. VII. c. 94, s. 14.

15.—(1) If at a meeting of a union board specially called for that purpose a majority of all the members of the board vote in favour of the dissolution thereof the board shall be dissolved on the next date, following such vote, fixed by this Act for holding the first meeting of union boards.

*Dissolution of
Union boards.*

(2) Where a board is dissolved the members thereof who are high school trustees shall constitute the high school board and shall continue in office for the remainder of the terms for which they were respectively appointed, and the members thereof who are public school trustees shall constitute the public school board and shall continue in office for the remainder of the terms for which they were respectively elected.

*On dissolution
the different
members to
continue
as members
of separate
boards.*

(3) Upon the dissolution all property held or possessed by the union board for high school purposes shall forthwith vest in the high school board, and all property held or possessed by the union board for public school purposes shall forthwith vest in the public school board, and all property held or possessed by the union board at the time of its dissolution partly for high school and partly for public school purposes shall be divided as may be agreed upon by such high school and public school boards at a meeting called for that purpose.

*Division of
property on
dissolution.*

(4) If no division is made within six months after the dissolution the division shall be made forthwith by the council of the local municipality in which the high school is situate.

*When council
to make
division.*

9 Edw. VII. c. 94, s. 15.

16. Unless all members of the new board have been appointed and a date for the first meeting has been decided upon by the old board, the first meeting of every union board in each year shall be held at the hour of eight o'clock in the evening of the first Wednesday in February.

*First meeting
in each year.*

9 Edw. VII. c. 94, s. 16; 2 Geo. V. c. 76, s. 25.

GENERAL PROVISIONS.

17.—(1) The first meeting of every municipal and union board after its organization or formation shall be held in the room, if any, provided for the board in the municipal building, and if no room is provided at the usual place of meeting of the former public school board, and the first meeting in subsequent years shall be held at such place as the board shall determine.

*Municipal
and union
board, pro-
ceedings at
first
meeting.*

(2) At the first meeting in each year of every new municipal board and union board, and whenever the office of chairman becomes vacant, then at the first meeting of the board after the vacancy occurs, the members shall elect one of their number to be chairman of the board.

*Election of
chairman.*

9 Edw. VII. c. 94, s. 17 (1, 2).

Chairman
Vote.

(3) In case of an equality of votes the elected member who has received the largest number of votes at his election shall have a second or casting vote. 10 Edw. VII. c. 26, s. 26 (2).

Vice-Chair-
man.

(4) The members of the board may also elect one of their number to be vice-chairman and he shall preside in the absence of the chairman.

Secretary
Treasurer.

(5) If at any meeting neither the chairman or vice-chairman is present the members present may elect a chairman for that meeting.

Secretary
Treasurer.

(6) At the first meeting after the organization or formation of the board, and so often as a vacancy occurs, the board shall also elect a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board.

Who to preside
Secretary.

(7) At any meeting of a board at which a chairman is to be elected the secretary, if present, shall preside until the chairman is elected, and if the secretary is not present the members present may elect one of their number for that purpose.

Secretary
Very proposed
for.

(8) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting. 9 Edw. VII. c. 94, s. 17 (4-8).

Quorum.

18. The presence of a majority of all the members constituting a board shall be necessary to form a quorum. 9 Edw. VII. c. 94, s. 18.

Chairman may
Vote.

19. The chairman or vice-chairman or member presiding may vote with the other members on all questions, and, subject to the provisions hereinbefore contained as to a second or casting vote where there is an equality of votes at an election of chairman, any question on which there is an equality of votes shall be deemed to be negatived except in case of an equality of votes for the election of a secretary or a treasurer or secretary-treasurer, when the chairman or other presiding officer shall have a second or casting vote. 9 Edw. VII. c. 94, s. 19.

Equality of
votes.
an equality of
votes.

Disqualifica-
tion.

20. The provisions of *The Public Schools Act* and of *The High Schools Act* respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of public school boards and high school boards respectively, and respecting members resigning or vacating their offices, shall apply to all boards. 9 Edw. VII. c. 94, s. 20.

Special and
advanced
high schools.

21.—(1) Every board of education having jurisdiction over more than one high school with the approval of the Minister of Education may

(a) make such modifications of the school courses prescribed for the high, industrial, technical and arts schools under its jurisdiction as it deems expedient; 9 Edw. VII. c. 94, s. 21 (1) (a); 1 Geo. V. c. 17, s. 58 (1).

(b) provide for special or advanced instruction in any of such courses; 9 Edw. VII. c. 94, s. 21 (b);

(c) designate such schools, or any of them, English, Commercial, Technical, Industrial, Art or Classical High Schools according to the course or courses of instruction provided therefor. 9 Edw. VII. c. 94, s. 21 (1) (c); 1 Geo. V. c. 17, s. 58 (2).

(2) The accommodations and equipment of the school and the qualifications of the staff shall be subject to the regulations made under the authority of *The Department of Education Act*. 9 Edw. VII. c. 94, s. 21 (2). Application of regulations.
Rev. Stat. c. 265.

22. A member of a board who is a separate school supporter shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools. 9 Edw. VII. c. 94, s. 22; 2 Geo. V. c. 76, s. 26. Restriction upon member who is separate school supporter.

23. The provisions of *The Public Schools Act* and of *The High Schools Act* and of *The Industrial Education Act* and of all amendments thereto, which are not inconsistent with this Act, shall be read as part of this Act and so far as such provisions are inconsistent with the provisions of this Act they shall not apply to municipal boards or union boards. 9 Edw. VII. c. 94, s. 23; 2 Geo. V. c. 76, s. 27. This Act to be read with certain other Acts.
Rev. Stat. c. 266.
Rev. Stat. c. 268.
Rev. Stat. c. 276.

CHAPTER 270.

An Act respecting Separate Schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Separate Schools Act*. 3-4 Geo. V. c. 71, s. 1.

PART I.

PROTESTANT AND COLOURED SEPARATE SCHOOLS.

Conditions
on which
separate
schools
may be
established.

Protestants.

2. Upon the application in writing of five or more heads of families resident in a township, city, town or village, being Protestants, the municipal council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for Protestants. 3-4 Geo. V. c. 71, s. 2.

Coloured
people.

3. Upon the application in writing of five or more heads of families resident in a township, city, town or village, being coloured people, the municipal council of the township or the board of public school trustees of the city, town or village shall authorize the establishment therein of one or more separate schools for coloured people. 3-4 Geo. V. c. 71, s. 3.

Location.

4. In a township the council shall prescribe the location of the school or schools authorized to be established under the next preceding two sections. 3-4 Geo. V. c. 71, s. 4.

Who may
be supporter
of school
for coloured
people.

5. No person shall be a supporter of any separate school for coloured people unless he resides within three miles in a direct line of the site of the school house. 3-4 Geo. V. c. 71, s. 5.

Election of
trustees.

6. There shall be three trustees for each separate school and the first meeting for their election shall be held and conducted in the manner provided by section 27. 3-4 Geo. V. c. 71, s. 6.

Commence-
ment and
regulations.

7. On the twenty-fifth day of December next following the date of the application mentioned in section 2 and section 3 the separate school shall go into operation, and shall, with respect to the persons for whom it is established, be under the same regulations as the public schools. 3-4 Geo. V. c. 71, s. 7.

8. None but coloured people shall vote at the election of trustees of a separate school established for coloured people; and none but the persons petitioning for the establishment of or sending children to a Protestant separate school shall vote at the election of trustees of such school. 3-4 Geo. V. c. 71, s. 8. Voters defined.

9. In a city or town the persons who make the application may have a separate school in each ward, or in two or more wards united as they may judge expedient. 3-4 Geo. V. c. 71, s. 9. Union of wards in cities and towns.

10. No Protestant separate school shall be established in any school section except when the teacher of the public school in such section is a Roman Catholic. 3-4 Geo. V. c. 71, s. 10. Restriction upon establishment of Protestant school.

11.—(1) In a city, town, village or township public school section in which a separate school exists every Protestant or coloured person, as the case may be, paying rates, whether as owner or tenant, and being a supporter of such school, shall be exempt from the payment of all rates imposed for the support of public schools and public school libraries. or for the purchase of land or the erection of buildings for public school purposes, within the city, town, village or section in which he resides, for the then current year, and every subsequent year thereafter while he continues a supporter of the school. Exemption from public school rates.

(2) Such exemption shall not extend beyond the period during which such person is a supporter of the school, or to school rates or taxes imposed or to be imposed to pay for school-houses, the erection of which was undertaken or entered into before the establishment of the separate school. 3-4 Geo. V. c. 71, s. 11. Exemption conditional.

12. Separate schools shall not share in money raised by local municipal assessment for public school purposes. 3-4 Geo. V. c. 71, s. 12. Not to share.

13. Every separate school shall share in the legislative public school grants in like manner as a public school. 3-4 Geo. V. c. 71, s. 13. Share of legislative grant.

14.—(1) The trustees of every separate school shall, on or before the 30th day of June and the 31st day of December of each year, transmit to the public school inspector a correct return of the names of all Protestant or coloured persons, as the case may be, who have sent children to or who have subscribed for the support of such separate school during the last preceding six months, the names of the children sent and the amounts subscribed, together with a statement of the average attendance of pupils in the separate schools during such period. Half-yearly return to inspector.

Inspector
to report
to clerk.

(2) The Inspector shall, upon the receipt of the return, forthwith make a return to the clerk of the municipality in which the separate school is established stating the names of all the persons who being Protestant or coloured persons, as the case may be, contribute, or send children to the separate school.

Exemption
of support-
ers of separ-
ate schools
from rates.

(3) Except for a rate for building school-houses undertaken before the establishment of the separate school the clerk shall not include in the collector's roll for the general or other school rate, and the board of trustees shall not include in their school rolls any person whose name appears upon the last mentioned return.

Use of
roll by
board.

(4) The clerk or other officer of the municipality within which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall allow any trustee or the authorized collector of the board to make a copy of such roll so far as it relates to their school section. 3-4 Geo. V. c. 71, s. 14.

Application
of ss. 28 to
49, 51 to 54,
and 89.

15. Sections 28 to 49, 51 to 54 and 89 shall apply to the trustees and teachers of such separate schools. 3-4 Geo. V. c. 71, s. 15.

Corporate
name.

16. The trustees of a separate school shall be a body corporate under the name of "The Trustees of the Protestant (or Coloured) Separate School of (as the case may be), in the Township (City, Town or Village, as the case may be), of ,", and shall have such powers as to imposing, levying and collecting school rates or subscriptions upon and from persons sending children to or subscribing towards the support of the separate school as are provided by section 67. 3-4 Geo. V. c. 71, s. 16.

Powers.

PART II.

ROMAN CATHOLIC SEPARATE SCHOOLS.

ESTABLISHMENT.

Application
of following
part of Act.

17. This Part shall apply to separate schools for Roman Catholics now or hereafter established. 3-4 Geo. V. c. 71, s. 17.

18. In this Part,

- (a) "Regulations" shall mean regulations made under *The Department of Education Act*;
- (b) "Rural school" shall mean separate school for Roman Catholics in a township or in territory without municipal organization;

- (c) "Secretary" or "Treasurer" shall include a Secretary-Treasurer; ^{"Secretary-treasurer."}
- (d) "Separate school" shall mean separate school for Roman Catholics; ^{"Separate School."}
- (e) "Urban school" shall mean separate school for Roman Catholics in a city, town or village. ^{"Urban School."}
- 3-4 Geo. V. c. 71, s. 18.

19. Not less than five heads of families, being householders or freeholders resident within any public school section of a township, or within a city, town or village, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school therein for the election of trustees. ^{Meeting to establish a separate school.} 3-4 Geo. V. c. 71, s. 19.

20. A majority of the persons present, being householders or freeholders, and Roman Catholics, may at such meeting elect from the duly qualified persons the requisite number of trustees. ^{Election of trustees.} 3-4 Geo. V. c. 71, s. 20.

21.—(1) Notice in writing that such meeting has been held, and of such election, shall be delivered by one of the trustees so elected to the head of the municipality or to the chairman of the board of public school trustees in the township, village, town or city in which the school is about to be established, designating by their names, occupations and residences the persons elected as trustees. ^{Notice of meeting; and to whom given.}

(2) The officer receiving the notice shall endorse thereon the date of its receipt, and shall deliver a copy of the same so endorsed and duly certified by him to such trustee who shall forthwith transmit the same and a copy of the minutes of the meeting and of the notice calling it to the Department of Education. ^{Notification of result to Department.}

(3) From and after the delivery of the notice to such officer the trustees therein named shall be a body corporate under the name, in the case of a city, town or village, of "The Board of Trustees of the Roman Catholic Separate Schools for the City (or town or village) of " and in the case of rural boards of "The Board of Trustees of the Roman Catholic Separate School for School Section Number , in the Township of ." ^{Corporate name of trustees.}

3-4 Geo. V. c. 71, s. 21.

SCHOOL BOARDS IN TERRITORY WITHOUT MUNICIPAL ORGANIZATION.

22.—(1) In unorganized townships and in any part of Ontario not surveyed into townships any number of heads of families, not less than ten, who are Roman Catholics, may, at a public meeting called for that purpose, elect three of ^{Meeting for purpose of electing trustees.}

their number as school trustees, and the trustees so elected shall have all the powers of public school boards in unorganized townships, and shall in all other respects be subject to the provisions of this Act.

Legislative
grants.

(2) On receipt of notice by the Department of Education, signed by the trustees so elected, that a school has been established and suitable accommodation provided for school purposes the Minister of Education may pay to the board out of the appropriation made by this Legislature for public and separate schools such sum for the maintenance of the school as may be approved by the Lieutenant-Governor in Council.

Appoint-
ment of
collector.

(3) The Board may appoint a fit and proper person, who may be one of the trustees, to collect the rates imposed upon the supporters of the school or the sums which the inhabitants or others have subscribed or a rate-bill imposed upon any person, and may pay to such collector at the rate of not less than five nor more than ten per centum on the money collected by him; and every collector shall give such security as may be required by the board.

Powers and
duties of
collectors.

(4) Every collector shall have the same powers in collecting the school rate, rate-bill or subscription and shall be under the same liabilities and obligations and proceed in the same manner as a township collector in collecting rates in a township. 3-4 Geo. V. c. 71, s. 22.

RURAL SEPARATE SCHOOLS.

Meetings of Supporters and Elections.

Trustees'
term of
office.

23. For every rural school there shall be three trustees each of whom, after the first election, shall hold office for three years and until his successor has been elected. 3-4 Geo. V. c. 71, s. 23.

Retirement
by rotation.

24 — (1) The trustees elected at the first meeting shall hold office,

(a) the person first elected, for two years from the annual school meeting next after his election and until his successor has been elected;

(b) the person secondly elected, for one year from such annual school meeting and until his successor has been elected;

(c) the person last elected, until the next ensuing annual school meeting and until his successor has been elected.

Vacancies.

(2) A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

(3) A trustee may resign with the consent in writing of the other trustees. Resignations.

(4) A retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. 3-4 Geo. V. c. 71, s. 24. Re-election.

25. Any person being a British subject, not less than twenty-one years of age, may be elected as a trustee whether he is or is not a householder or freeholder. 3-4 Geo. V. c. 71, s. 25. Trustees' qualification.

26. Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, shall be entitled to vote at any election for school trustee or on any school question at any annual or special meeting of the supporters of such school. 3-4 Geo. V. c. 71, s. 26. Elector's qualification of.

27.—(1) A meeting of the supporters of the school shall be held annually on the last Wednesday of December, or if that day is a holiday on the next day following, commencing at ten o'clock in the forenoon, or if the board by resolution so directs at seven o'clock in the afternoon, for the purpose, among other things, of electing a school trustee or trustees. Annual meeting when held.

(2) The supporters of the school present at the meeting shall elect one of themselves to preside over its proceedings and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required of him by this Part. Organization of meeting.

(3) The business of the meeting may be conducted in the following order: Order of business.

- (a) receiving and dealing with the annual report of the trustees;
- (b) receiving and dealing with the annual report of the auditors;
- (c) electing one or more auditors for the current year;
- (d) electing a trustee or trustees to fill any vacancy or vacancies; and
- (e) miscellaneous business.

(4) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman shall not be entitled to vote except in the case of an equality of votes, when he shall give the casting vote, and he shall decide all questions of order subject to an appeal to the meeting. Chairman, duties of.

(5) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record as herein directed Granting poll and proceedings in case of a poll.

the names of all qualified supporters of the school who present themselves within the prescribed time, and shall enter in the poll book, at the head of separate columns, the names of the candidates proposed and seconded, and opposite to such columns shall write the names and residences of the supporters offering to vote, and shall, in the column in which is entered the name of a candidate voted for, set the figure "1" opposite the voter's name.

Entries in
poll-book

(6) Where a poll is demanded upon a school question by any two supporters the name of each supporter shall be similarly placed opposite separate columns marked "for" or "against."

When voter
is objected
to.

(7) Where an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person whose right to vote is objected to to make the following declaration:

Declaration
by voter.

I, A.B., declare

- (a) That I am an assessed householder or freeholder in School Section No. —;
- (b) That I am of the full age of 21 years;
- (c) That I am a supporter of the Roman Catholic Separate School in said School Section No. —;
- (d) That as such supporter I have the right to vote at this meeting,

whereupon the person making such declaration shall be entitled to vote.

When poll
shall close.

(8) The poll shall not close before noon, but shall close at any time thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than four o'clock in the afternoon.

Polling at
afternoon
meetings.

(9) When the meeting is held at seven o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at ten o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded.

Transmitting
minutes to
Department

(10) A correct copy of the minutes of every meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the Department of Education.

Meetings to
be called in
default of
first or
second

(11) If from want of proper notice or other cause any meeting for the election of trustees is not held at the proper time any two supporters of the school may call a meeting by giving six days' notice posted up in at least three of the most public places in the locality in which the school is situate; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. 3-4 Geo. V. c. 71, s. 27.

Organization of Board.

28. A majority of the trustees shall form a quorum, and the board shall be organized by the election of a chairman and of a secretary and a treasurer or of a secretary-treasurer. Organization and quorum.
3-4 Geo. V. c. 71, s. 28.

29. No act or proceeding shall be valid which is not adopted at a regular or special meeting of the board of which notice has been given as required by this Act and at which at least two trustees are present. Regularity.
3-4 Geo. V. c. 71, s. 29.

Duties of Secretary.

30. It shall be the duty of the secretary to

Duties of secretary.

- (a) keep a full and correct record of the proceedings of every meeting of the board in the minute book provided by the trustees, and see that the minutes, when confirmed, are signed by the chairman or presiding trustee;
- (b) call, at the request in writing of two trustees, a special meeting of the board;
- (c) give notice of all meetings to each of the trustees by notifying him personally or in writing, or by sending a written notice to his residence. 3-4 Geo. V. c. 71, s. 30.

Duties of Treasurer.

31. It shall be the duty of the treasurer to

Duties of treasurer.

- (a) receive all school money collected from the supporters of the school and account for the same;
- (b) disburse all such money in the manner directed by the board;
- (c) produce all papers and money belonging to the corporation whenever called upon to do so by the board, the auditors or other competent authority, and afford to the auditors all the information in his power as to the receipt and expenditure of school money. 3-4 Geo. V. c. 71, s. 31.

Appointment of Auditor by Minister.

32. Where a board neglects or the ratepayers at an annual or special meeting neglect to appoint an auditor, or an auditor appointed refuses or is unable to act, the Minister, upon the request in writing of any five supporters of the school, may make the appointment. Appointment of auditor by Minister.
3-4 Geo. V. c. 71, s. 32.

Union Boards.

What
unions may
be formed.

33.—(1) The majority of the supporters of each of the separate schools situate in two or more public school sections, whether in the same or in adjoining municipalities, at a public meeting duly called by the board of each separate school may form a union separate school of which union the trustees shall give notice within fifteen days to the clerk or clerks of the municipality or municipalities and to the Minister of Education, and every union separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes, and shall every year thereafter be represented by three trustees to be elected by the supporters of the union separate school as provided by section 27.

Corporate
name.

(2) The trustees shall be a body corporate under the name of "The Board of Trustees of the Roman Catholic Union Separate Schools for the United Sections numbers _____ in the _____." 3-4 Geo. V. c. 71, s. 33.

School Sites.

Selection
and change
of school
site.

34.—(1) The board shall have power to select a site for a new school house or to agree upon a change of site for an existing school-house, and shall forthwith call a special meeting of the supporters of the school to consider the site selected; and no site shall be adopted or change of school site made except in the manner hereinafter provided without the consent of the majority of such special meeting.

Arbitration
when trustees
and ratepayers
differ as
to site.

(2) If a majority of the supporters present at such special meeting differ as to the suitability of the site selected each party shall then and there appoint an arbitrator, and the inspector of separate schools for the district in which the school is situate, or, in case of his inability to act, a person appointed by him to act on his behalf shall be the third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter submitted to them.

Award.

Reconsideration of
award.

(3) With the consent or at the request of the parties to the reference the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award, which award, or the previous one if not reconsidered by the arbitrators, shall be binding upon all parties concerned for at least five years from the date thereof. 3-4 Geo. V. c. 71, s. 34.

Separation.

Establishment of
separate
school in a
portion of
rural
section.

35.—(1) Where a separate school has been established in a public school section which includes an urban municipality or a portion of an urban municipality, and a township or a portion of a township, and a majority of the ratepayers

assessed as separate school supporters in such township or portion of a township petition the board of such separate school to notify the Inspector of separate schools that the separate school supporters in such township or portion of a township are desirous of establishing a separate school therein, the Inspector may signify in writing to the board his approval of the establishment of such separate school; and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and such school may be established and trustees may be elected in the manner provided by this Part.

(2) The Inspector and two other persons, one of whom ^{Arbitration.} shall be chosen by the separate school board of such urban municipality and the other by the board of the separate school so established in such township or portion of a township, shall constitute a board of arbitrators who, or a majority of whom, shall determine what proportion of the assets and liabilities of the original separate school board shall belong to, be paid to or be borne by the separate school board of such urban municipality and the board of such rural separate school respectively, and shall adjust all matters consequent upon such separation, and the award of such arbitrators shall be final and binding.

(3) Nothing in this section shall relieve any property from ^{Property} liability for rates levied or to be levied for payment of school ^{liable for} debentures issued prior to the establishment of such township separate school. 3-4 Geo. V. c. 71, s. 35.

URBAN BOARDS.

Trustees and Tenure of Office.

36.—(1) For every ward into which a city or town ^{Trustees in} is ^{city, etc.,} divided there shall be two trustees each of whom, after the ^{divided into} first election, shall continue in office for two years. ^{wards.}

(2) One of the trustees in each ward chosen at the first ^{Retirement} election, to be determined by lot at the first meeting of the ^{by rotation.} board after their election which determination shall be entered upon the minutes, shall retire from office at the time appointed for the next annual school election and the other shall continue in office one year longer. 3-4 Geo. V. c. 71, s. 36.

37.—(1) In every village there shall be six trustees each ^{Trustees in} of whom, after the first election, shall continue in office for ^{village.} two years.

(2) Three of the trustees chosen at the first election to be ^{Retirement} determined by lot at the first meeting of the board after their ^{by rotation.} election, which determination shall be entered upon the minutes, shall retire from office at the time appointed for the next annual school election and the other three shall continue in office one year longer. 3-4 Geo. V. c. 71, s. 37.

Term of
office.

38. A trustee shall continue in office until his successor has been elected. 3-4 Geo. V. c. 71, s. 38.

Election of Trustees.

Nominations.

39.—(1) A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee shall take place at noon on the last Wednesday in the month of December annually, or if that day is a holiday on the day following, at such place as shall from time to time be fixed by resolution of the board, and in municipalities divided into wards in each ward if the board thinks fit, and the board shall give at least six days' notice of the meeting.

Returning
officer.

(2) The board shall by resolution name the returning officers to preside at the meetings for the nomination of candidates, and in case of the absence of any such officer a chairman chosen by the meeting shall preside.

at nomination.

(3) If at the meeting only the number of candidates necessary to fill the vacant offices is proposed and seconded the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the secretary of the board; but if two or more candidates are proposed and seconded for any one office, and a poll in respect of such office is demanded by any candidate or school supporter, the returning officer or chairman shall adjourn the proceedings for filling the office until the first Wednesday of the month of January then next, when polls shall be opened at such places and in each ward, where wards exist, as shall be determined by resolution of the board.

Hours of
polling.

(4) The polls shall be opened at ten o'clock in the forenoon and shall continue open until five o'clock in the afternoon and no longer, and a poll may close at any time after eleven o'clock in the forenoon when a full hour has elapsed without any vote having been polled.

Place for
nomination
and election.

(5) The board shall, before the second Wednesday in December in each year, by resolution, fix the places for the nomination meetings and for holding the election in case of a poll, and name the returning officers who shall preside at the respective polling places, and forthwith give public notice hereof.

Duty of
returning
officer after
close of
election.

(6) The returning officer or chairman shall, on the day after the close of the election, return the poll book to the secretary of the board with his solemn declaration thereto annexed that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

Duty
Secretary.

(7) The secretary shall add up the number of votes for each candidate for any office as appears from the poll book so

returned, and shall declare elected the candidate or candidates having the highest number of votes.

(8) If two or more candidates have an equal number of votes at the first meeting of the board held after the election the member present who is assessed highest as a supporter of the school on the last revised assessment roll shall give a vote for one or more of such candidates so as to decide the election. Casting vote.

(9) The voting for the election of trustees and for all other urban school purposes shall be by open vote, except as otherwise provided by section 40. Voting to be open.

(10) In a city or town divided into wards the clerk of the municipality shall furnish to the board, within three days after request in writing, the voters' list for each ward annexing thereto a list of the names of all supporters of separate schools for Roman Catholics, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income rated upon the then last revised assessment roll and not being already upon the voters' list. Furnishing voters' list in cities and towns divided into wards.

(11) In towns not divided into wards and in villages the clerk of the municipality shall furnish to the board within three days after request in writing the voters' list for each polling subdivision in such town or village, as provided by the next preceding subsection. Furnishing voters' list in towns not divided into wards, and in villages.

(12) The board shall provide every polling place with such lists and with a poll book. For each polling place.

(13) At every election at which a poll is demanded the returning officer or chairman or the poll clerk shall enter in the poll book at the head of separate columns the names of the candidates proposed and seconded at the nomination, and shall opposite to such columns write the names and residences of the school supporters offering to vote at the election, and shall in each column in which is entered the name of the candidate voted for set the figure "1" opposite the voter's name, and where a poll is demanded upon any school question the name of each voter shall be similarly placed opposite separate columns headed "for" or "against." Entries in poll book.

(14) If an objection is taken to the right of any person to vote the returning officer or chairman shall require the person whose right to vote is objected to to take the declaration mentioned in subsection 7 of section 27. Declaration by voters.

(15) Where a school supporter resides without the municipality in which the school is situate he shall be entitled to vote in that ward or division of the municipality in which the school house is situate which is nearest to his place of residence. 3-4 Geo. V. c. 71, s. 39. Where non resident is to vote.

Adoption
of ballot.

40.—(1) The board may, by resolution passed between the first day of May and the first day of October in any year, require the election of members of the board to be by ballot and to be held on the days on which the annual municipal elections are held.

Discontinu-
ance.

(2) The board may in like manner discontinue the use of the ballot, and thereafter elections shall be conducted as provided by section 39.

Ballot not
to be dis-
continued or
resumed for
three years
after the
change.

(3) Where the board requires the voting to be by ballot and elections are so held no change shall be made in the mode of voting for a period of three years, and if the mode of voting by ballot is discontinued the provisions of section 39 shall apply for a period of three years at least after such discontinuance. 3-4 Geo. V. c. 71, s. 40.

Municipal
Act to
apply.

Rev. Stat.
c. 192.

41. Where the voting is to be by ballot the provisions of *The Municipal Act* for and relating to holding the annual municipal elections, including those as to re-count, secrecy of proceedings, offences and penalties, shall apply *mutatis mutandis*, except that

Form of
oath.

(a) the oath to be taken by a voter shall be:

You swear that you are the person named (or intended to be named) in the list of voters now shown to you (*showing the list to the voter*);
That you are a ratepayer;
That you are of the full age of twenty-one years;
That you are a Roman Catholic Separate School supporter;
That you have not voted before at this election;
That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;
That you have not received anything, nor has anything been promised you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;
That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;
So help you God;

Casting
vote.

(b) when the result of the polling is indecisive by reason of two or more candidates having an equal number of votes all of them shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll shall, before the organization of the board, give a vote for one or more of such candidates so as to decide the election;

Duties of
secretary.

(c) the duties to be performed by the clerk shall be performed by the secretary; and

- (d) the word "secretary" shall be substituted for the words "clerk" or "clerk of the municipality" wherever they occur. 3-4 Geo. V. c. 71, s. 41.

Irregularities not to void Elections.

42. No election shall be invalid by reason of non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of forms, or of any irregularity, if it appears that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election. 3-4 Geo. V. c. 71, s. 42.

No election to be invalid for want of compliance with principles of Act where result not affected.

Controverted Elections.

43.—(1) A judge of the county or district court, if a complaint respecting the validity or mode of conducting the election of any trustee in any municipality within his county or district is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon within a reasonable time, in a summary manner, hear and determine the same.

Investigation of complaints by judge.

(2) The judge may by order cause the assessment rolls, collector's rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or by oral testimony, and may cause such persons to appear before him as he may deem expedient, and may confirm the election or set it aside, or declare that some other candidate was duly elected.

Powers of judge.

(3) The judge may order a person found by him not to have been duly elected to be removed; and if the judge determines that any other person was duly elected he may order him to be admitted; and if he determines that no other person was duly elected instead of the person removed he shall order a new election to be held and shall report such decision to the secretary of the board.

Order of judge.

(4) The provisions of *The Municipal Act* as to bribery and undue influence shall apply, and, where the election is complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only. 3-4 Geo. V. c. 71, s. 43.

Bribery and undue influence. Rev. Stat. c. 192.

MEETINGS OF THE BOARD.

44.—(1) At the first meeting in each year the secretary shall preside or, if there is no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member.

Chairman at first meeting.

Casting
Vote.

(2) In case of an equality of votes at the election of chairman the member present who is assessed as a separate school supporter for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member.

Subsequent
meetings.

(3) Subsequent meetings of the board shall be held at such times and places as may from time to time be fixed by resolution of the board.

Special
meetings.

(4) Special meetings of the board may be called by the chairman, and shall be called on the request in writing of two members of the board specifying the objects for which the meeting is to be held, which shall also be stated in the notice calling the meeting.

Presiding
officer.

(5) The chairman shall preside or, in his absence, any member appointed to act as chairman by the majority of those present, and the chairman or member so acting may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

Equality
of votes.

quorum.

(6) A majority of the members of the board shall constitute a quorum, but for the purposes of subsection 8 of section 39 a majority of the trustees remaining in office shall constitute a quorum. 3-4 Geo. V. c. 71, s. 44.

DUTIES AND POWERS OF TRUSTEES.

Duties of
board.

45. It shall be the duty of every board and it shall have power to

Appointment
of officers.

(a) appoint a secretary and a treasurer or a secretary-treasurer and one or more collectors, if requisite, of the school fees or rate bills;

(i) The collector or collectors, and secretary and treasurer, or secretary-treasurer may be members of the board, and shall discharge duties, be subject to obligations and penalties, and have powers similar to those of like officers of the corporation of a municipality;

Appoint
auditors.

(b) appoint annually on or before the 1st day of December an auditor or auditors;

Accounts.

(c) lay all the accounts of the board before the auditors, together with the agreements, vouchers, contracts and books in its possession, and afford the auditors all the information in its power as to the receipt and expenditure of school money;

To provide
accommoda-
tion and
teach

(d) provide adequate accommodation and legally qualified teachers, according to the provisions of this Act and the Regulations, for all children be-

tween the ages of five and twenty-one years of the supporters of the schools under the control of the board according to the annual enumeration of the assessors for the next preceding year;

- (e) acquire or rent school sites and premises, and build, repair, furnish and keep in order the school houses, furniture, fences and all other school property, and keep the wells, closets and premises in proper sanitary condition; To provide and maintain school premises.
- (f) where the board does not appoint a collector, apply to the municipal council, on or before the first day of August in each year, for the levying and collection of all sums for the support of their schools, and for any other school purposes authorized by this Act to be collected from the supporters of the separate schools under the control of the board, laying before the council an estimate of such sums; Collection of rates
- (g) give notice in writing, before the 15th day of January in each year, to the Department of Education of the names and post-office addresses of the trustees then in office and of the teachers employed by the board, and give reasonable notice in writing from time to time of any changes therein; Notice of names and addresses.
- (h) give orders on the treasurer of the board for all money to be expended for school purposes; Orders for money expended.
- (i) exempt, in its discretion, from the payment of school rates wholly or in part, any indigent person; and give notice of such exemption, when the school rate is collected by the municipal council, to the clerk of the municipality on or before the first day of August; Exemptions and notice thereof.
- (j) dismiss from a school any pupil who is adjudged by the board and the teacher to be so refractory that his presence in school is injurious to other pupils, and, where practicable, remove such pupil to an industrial school; Dismissal of refractory pupils.
- (k) take possession and have the custody and safe keeping of all school property acquired or given for school purposes; and acquire and hold as a corporation, by any title whatsoever, land, movable property, money or income given to or acquired by the board at any time for school purposes and hold or apply the same according to the terms on which it was acquired or received; and dispose by sale or otherwise of any school site or school property not required in conse-

quence of a change of school site or other cause, and convey the same and apply the proceeds thereof to school purposes or as provided by this Act;

Annual
report.

(l) prepare and transmit annually, before the 15th day of January, to the Minister of Education, in the prescribed form, a report signed by the chairman containing all information required by the Regulations;

Other
powers and
duties.

(m) exercise all such other powers and perform all such other duties of public school boards as are applicable to the case of separate schools, except as to matters as to which other provision is made by this Act;

Provision.

(n) see that every school under its charge is conducted according to this Act and the regulations, and provide school registers and a visitors' book in the prescribed form;

Travelling
expenses
attending
meetings
association.

(o) at its discretion pay the travelling expenses of any member of the board or of any teacher in its employment incurred in attending meetings of the Ontario Educational Association or other like association of teachers in Ontario;

In the case of an urban board,

Determine
number
and kind of
schools, etc.

(p) determine the number, kind, grade and description of schools to be established and maintained, the teachers to be employed, the terms on which they are to be employed, the amount of their remuneration and the duties which they are to perform;

To appoint
a committee
for each
school.

(q) appoint from its members annually, or oftener if deemed expedient, and under such regulations as may be deemed proper, a committee of not more than three for the special charge, oversight and management of each school within the city town or village, and see that all the schools under its charge are conducted according to the regulations;

Books and
school
supplies.

(r) collect, at its discretion, from the parents or guardians of children attending any school under its charge a sum not exceeding twenty cents per month per pupil to defray the cost of text-books, stationery and other contingencies, and see that all the pupils are duly supplied with a uniform series of text-books;

Expenses
of cadet
corps.

(s) expend such sums as it may deem expedient for establishing and maintaining cadet corps and for

promoting and encouraging gymnastic or other athletic exercises not exceeding \$200 per annum where the annual registered attendance of pupils does not exceed 3,000, and \$50 additional for each additional 1,000, and provide uniforms for classes in military drill;

In the case of a rural board,

- (t) appoint the place of each annual school meeting Time and place of meetings. of the supporters of the school, and the time and place of any special meeting for
 - (i.) filling any vacancy in the board,
 - (ii.) the selection of a new school site,
 - (iii.) the appointment of a school auditor, or
 - (iv.) any other school purpose, and cause notices of the time and place and of the objects of such meetings to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding the meeting;
- (u) arrange for the payment of teachers' salaries quarterly and, if necessary, borrow on its promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, the money required for that purpose until the taxes are collected; Payment of salaries.
- (v) cause to be prepared and read at the annual school meeting a report for the year then ending, containing among other things a summary of the proceedings of the board during the year, together with a full and detailed account of the receipts and expenditures of all school money during such year, and signed by the chairman and by one or both of the school auditors; Annual report.
- (w) ascertain and report to the Minister of Education, at least once in each year, the names and ages of all children of school age who would otherwise be required to attend a school under its charge, who are deaf and dumb or blind. 3-4 Geo. V. c. 71, s. 45. Report on blind, deaf and dumb.

VACANCY IN OFFICE OF TRUSTEE.

46.—(1) If a vacancy in the office of trustee occurs from any cause the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor held office. Vacancy in office of trustees.

Proceedings
at new
election.

(2) The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and, in the case of an urban board, the board shall give at least six days' notice of the meeting for the nomination of candidates and, if a poll is demanded, the election shall be held one week from the day of the nomination. 3-4 Geo. V. c. 71, s. 46.

TEACHERS.

Valid agree-
ments with
teacher

47. Every agreement between a board and a teacher, to be valid and binding, shall be in writing signed by the parties thereto, and sealed with the corporate seal of the board, and may include a stipulation to provide the teacher with board and lodging. 3-4 Geo. V. c. 71, s. 47.

Duties of
teacher.

48. It shall be the duty of every teacher to

Instruction

(a) teach diligently and faithfully all the branches required to be taught in the school according to the terms of his agreement with the board and according to the provisions of this Act and the Regulations;

Keeping
registers.

(b) keep in the prescribed form the general, entrance, and daily class or other registers of the school, and record therein the admission, promotion, suspension or removal of the pupils;

Order and
discipline.

(c) maintain proper order and discipline in his schools according to the Regulations;

Visitors'
book.

(d) keep a visitors' book, which the board shall provide, and enter therein the visits made to his school, and request every visitor to enter therein any remarks suggested by his visit;

Register and
visitors'
book.

(e) afford the trustees and visitors access at all times when desired by them to the registers and visitors' book;

Deliver up
register
and key.

(f) deliver up the school register, visitors' book, school-house key or other school property in his possession on the demand or order of the board;

(i.) In case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the board;

Examinations.

(g) hold during each term a public examination of his pupils, of which he shall give due notice to the trustees, to any school visitors whose place of residence is adjacent to the school-house, and through the pupils to their parents or guardians;

- (h) furnish to the Minister of Education, or to the separate school inspector, from the trustees' report or otherwise, any information which it is in his power to give respecting anything connected with the operations of his school or in any wise affecting its interest or character; To furnish information to the Minister and Inspector.
- (i) prepare so far as the school registers supply the information such reports of the board as are required by the Regulations. 3-4 Geo. V. c. 71, s. 48. To prepare reports.

49. An authorized text book in actual use may be changed by the teacher for any other authorized text book on the same subject with the written approval of the board and subject to the Regulations. 3-4 Geo. V. c. 71, s. 49. Change of text books.

50. Subject to the provisions of the Act passed in the seventh year of the reign of His late Majesty King Edward the Seventh, chaptered 52, and the amendments thereto, teachers shall be subject to the same examinations and receive their certificates of qualification in the same manner as public school teachers. 3-4 Geo. V. c. 71, s. 50. Certificates to teachers of separate schools.

51. Unless otherwise expressly agreed a teacher shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year. 3-4 Geo. V. c. 71, s. 51. Proportion of salary to which teacher is entitled.

52. Every teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment if the sickness is certified to by a physician, or in a case of acute inflammatory condition of the teeth or gums by a licentiate of dental surgery; but the period of four weeks may, in any case of sickness, be allowed and extended at the pleasure of the board without a certificate. 3-4 Geo. V. c. 71, s. 52. Case of sickness or dental treatment.

53. If at the expiration of a teacher's engagement his salary has not been paid in full the salary shall continue to run at the rate mentioned in the agreement until paid if an action to recover it is commenced within three months after the salary is due and payable. 3-4 Geo. V. c. 71, s. 53. Protection of teachers in regard to salary.

54.—(1) All matters of difference between a board and a teacher in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the division court of the division in which the cause of action arose, subject to appeal as provided by this Act. Provision in case of difference between teacher and trustees.

(2) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was reasonable ground for the board disputing its liability, and that it was When judge may relieve board from extra liability.

willing and offered to pay to the teacher any sum not so in dispute, the judge may relieve the board from the liability imposed by section 53 in whole or in part. 3-4 Geo. V. c. 71, s. 54.

ASSESSMENTS, BORROWING POWERS AND GRANTS.

Exemption of supporters of separate schools from payment of public school rates on giving certain notice.

55.—(1) Every person paying rates, whether as owner or tenant, who by himself or his agent, on or before the first day of March in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and a supporter of a separate school situate in the municipality or in a municipality contiguous thereto shall be exempt from the payment of all rates imposed for the support of public schools and of public school libraries, or for the purchase of land or the erection of buildings for public school purposes within the city, town, village or section in which he resides, for the then current year, and every subsequent year thereafter while he continues a supporter of a separate school.

No renewal required.

(2) The notice shall not be required to be renewed annually.

Time for giving notice by separate school supporter becoming resident in municipality.

(3) Where an owner or tenant is not, on or before the first day of March in any year, a resident of the municipality or rated upon the assessment roll thereof, but subsequently becomes so resident or liable to be so rated before the time for appealing from the assessment to the court of revision, he shall be entitled to give the notice provided for by this section at any time before the expiration of the time for appealing, and a notice so given shall have the same effect as if given on or before the first day of March of the year in which it is given.

Certificate of notice.

(4) Every clerk of a municipality, upon receiving such notice, shall deliver a certificate to the person giving the notice to the effect that the same has been given and showing the date thereof.

Penalty for wilful false statements in notice.

(5) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from the rates, and in addition shall incur a penalty of \$40.

As to rates imposed before separate school established.

(6) Nothing in this section shall exempt any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a school house or school houses, imposed before the establishment of the separate school. 3-4 Geo. V. c. 71, s. 55.

Residence of supporters of separate schools.

56. Subject to the other provisions of this Part no person shall be deemed a supporter of a separate school unless he resides within three miles in a direct line of the site of the school house. 3-4 Geo. V. c. 71, s. 56.

57.—(1) A supporter of a separate school whose residence is within three miles of two or more separate schools shall be *ipso facto* a supporter of the school nearest by road to his place of residence; but nothing herein shall affect the liabilities or obligations of a separate school supporter for debts incurred before the 7th day of April, 1896, by the board of the school of which he was a supporter.

Where separate school supporter resides within three miles of two or more schools.

(2) A supporter of a separate school having a debenture debt shall not be bound to become a supporter of another school while any part of such debt remains unpaid. 3-4 Geo. V. c. 71, s. 57.

Saving as to debenture debt.

58. When a supporter of an urban school resides without the municipality in which the school is situate he shall be entitled to vote in the ward or polling subdivision in which the school house nearest to his place of residence is situate if within the distance of three miles in a direct line. 3-4 Geo. V. c. 71, s. 58.

Where person residing out of municipality to vote.

59.—(1) Where a person is entitled to be and is a supporter of a separate school situate in a municipality other than that in which he resides he shall be exempt from the payment of separate school taxes or rates in the municipality in which he resides, but shall be liable to pay and shall pay the school taxes or rates to the board of the school of which he is a supporter, and the same shall be based upon his assessment in the municipality in which he resides.

Liability of non-resident supporter.

(2) The board of the school of which he is a supporter shall on or before the first day of August in each year notify the clerk of the municipality in which such supporter resides that he is a supporter of such school and of the amount of the school taxes or rates payable by him, and the same shall be entered upon the collector's roll of the municipality for that year and collected in like manner as other taxes, and when collected shall be paid over to the board. 3-4 Geo. V. c. 71, s. 59.

How enforceable.

60. Any person who, if resident in a municipality, would be entitled to be a supporter of a separate school therein or in an adjoining municipality may, on giving the notice provided for by *The Assessment Act* that he is the owner of unoccupied land situate in either municipality, require that all such land as is situate either in the municipality wherein the separate school is situate or within the distance of three miles in a direct line of the site of the separate school shall be assessed for the purposes of the separate school, and the assessor shall thereupon enter such person in the assessment roll as a separate school supporter only. 3-4 Geo. V. c. 71, s. 60.

Right of non-residents to be assessed for separate school.

Rev. Stat. c. 195.

Notice of
withdrawal
of support.

61.—(1) A Roman Catholic who desires to withdraw his support from a separate school shall give notice thereof in writing to the clerk of the municipality before the second Wednesday in January in any year otherwise he shall be deemed to be a supporter of the school.

Exception.

(2) A person who has withdrawn his support from a Roman Catholic separate school shall not be exempt from paying rates for the support of separate schools or separate school libraries, or for the erection of a separate school house, imposed before the time of his withdrawing such support. 3-4 Geo. V. c. 71, s. 61.

Index Book
of support
ers of
separate
schools to
be kept by
clerk

62.—(1) The clerk of every municipality shall keep entered in an Index Book, Form A, and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by section 55 or by former Acts respecting separate schools.

Entries.

(2) The clerk shall enter opposite the name, in a column for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 61 or by any such other Act, with the date of such withdrawal, or any disallowance of the notice by the court of revision or by a judge of the county or district court, with the date of such disallowance.

Inspection.

(3) The index book shall be open to inspection by any ratepayer.

Filings.

(4) The clerk shall file and carefully preserve all such notices heretofore or hereafter received.

Assessor to
be guided
by Index
Book.

(5) The assessor shall be guided by the entries in the index book in ascertaining who have given the prescribed notices. 3-4 Geo. V. c. 71, s. 62.

Correction
of mistakes
in assessing
separate
school
supporters.

63.—(1) If it appears to the council of any municipality after the final revision of the assessment roll that through mistake or inadvertence a ratepayer has been entered on the roll either as a supporter of separate schools or as a supporter of public schools the council after due inquiry and notice may correct such error by directing the school taxes of such ratepayer to be paid to the proper school board; but it shall not be competent for the council to reverse the decision of the court of revision or of a judge on appeal.

(2) In case of such action by a council the ratepayer shall be liable for the same amount of school taxes as if he had in the first instance been properly entered on the roll. 3-4 Geo. V. c. 71, s. 63.

64.—(1) The clerk of every municipality, in making out the collector's roll, shall place columns therein so that under the head of "School Rate" the public school rate may be distinguished from the separate school rate, and that under "Special Rate for School Debts" public school purposes may be distinguished from separate school purposes. Distinguishing the school rates.

(2) The proceeds of any such rate shall be kept distinguished by the collector and accounted for accordingly. Idem.
3-4 Geo. V. c. 71, s. 64.

65.—(1) Where land is assessed against both owner and occupant, or the owner and tenant, the occupant or tenant shall be deemed to be the person primarily liable for the payment of school rates and for determining whether such rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall alter or affect this provision. Case of owner and occupant.

(2) Where, as between the owner and tenant or occupant the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate he may direct the same to be applied to either public or separate school purposes, and if the public school rate and the separate school rate are not the same he shall only be liable to pay the amount of the rate of the schools to which he directs his money to be paid. 3-4 Geo. V. c. 71, s. 65. When owner may exercise option.

66.—(1) A corporation by notice, Form B, to the clerk of any municipality wherein a separate school exists may require the whole or any part of the land of which such corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of such corporation made under *The Assessment Act*, to be entered, rated and assessed for the purposes of such separate school. Right of a corporation to support separate schools.

(2) The assessor shall thereupon enter the corporation as a separate school supporter in the assessment roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes. Duty of assessor.

(3) Unless all the stock or shares are held by Roman Catholics the share or portion of such land and business or How proportions settled.

other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares.

Effect of notice.

(4) A notice given in pursuance of a resolution of the directors shall be sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors.

Filing notice.

(5) Every notice so given shall be kept by the clerk on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect an assessment roll.

Search for notices.

(6) The assessor shall in each year, before the return of the assessment roll, search for and examine all notices which may be so on file and shall follow and conform thereto and to the provisions of this Act. 3-4 Geo. V. c. 71, s. 66.

Powers of trustees.

67.—(1) The board of a separate school may impose and levy school rates and collect school rates and subscriptions upon and from persons sending children to or subscribing towards the support of such schools, and may appoint collectors for collecting the school rates or subscriptions who shall have all the powers in respect thereof possessed by collectors of taxes in municipalities.

Land on which there are rates uncollected.

(2) If a collector appointed by the board is unable to collect any part of a school rate charged on land liable to assessment, by reason of their being no person resident thereon or no goods and chattels to distrain, the board shall make a return to the clerk of the municipality before the end of the then current year of such land and the uncollected rates thereon.

Return

(3) The clerk shall make a return to the county, city, town or village treasurer of such land and the arrears of separate school rates thereon.

Collection of rates.

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

Deficiency.

(5) The council of the township, village, town or city in which the separate school is situate shall make up the deficiency arising from such uncollected rates out of the general funds of the municipality. 3-4 Geo. V. c. 71, s. 67.

Trustees may copy assessment roll of municipality.

68. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall permit any trustee or the collector of the board to make a copy of the roll in so far as it relates to the persons supporting the separate school. 3-4 Geo. V. c. 71, s. 68.

69. The clerk of a municipality in which there is a separate school shall, once in each year, upon the written request of the board, deliver to it a statement in writing showing the names of all persons appearing upon the assessment roll for the current year who have given the notice required by section 55, with the amount for which each person has been rated upon the assessment roll. 3-4 Geo. V. c. 71, s. 69.

Clerk to give trustees annual statement of supporters of separate schools.

70.—(1) A municipal council, if so requested by the board at or before the meeting of the council in the month of August in any year, shall, through their collectors and other municipal officers, cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools.

Collection of separate school rates by the municipality.

(2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation or any of its officers shall be borne by the corporation, and the rates or taxes, as and when collected, shall within a reasonable time thereafter, and not later than the fourteenth day of December in each year, be paid over to the board without any deduction whatever. 3-4 Geo. V. c. 71, s. 70.

Expenses of collection.

71. In a municipality in which the assessment is made under a by-law passed under section 56 of *The Assessment Act* the notices required to be given under subsection 1 of section 55 shall be given on or before the fifteenth day of July, and the notice required to be given under subsection 1 of section 61 shall be given on or before the fourth Wednesday in May, and the request referred to in section 70 shall, if given, be given at the time mentioned therein or prior thereto if required by the council; and in subsection 3 of section 55 the words "first day of March" in the second and ninth lines thereof shall be read "fifteenth day of July." 3-4 Geo. V. c. 71, s. 71.

Dates for giving certain notices where taxes collected on assessment of preceding year.

Rev. Stat. c. 195.

72.—(1) A separate school board and the council of a municipality, three-fifths of whose members are not separate school supporters, may enter into an agreement for a term of years that for each year of the term and at such times and in such sums as may be agreed upon, in lieu of and as being the amount to be levied and collected in such year for separate school purposes, there shall be paid by the corporation of the municipality to the board a fixed proportion of the total amount levied and collected within the municipality in and for the year for both public and separate school purposes.

Agreements between municipality and separate school trustees as to payment in lieu of separate school rate.

(2) If in and for any year the rate of assessment actually levied for separate school purposes within the municipality is not the same as that actually levied therein for public school purposes the agreement shall not be in force for or apply to such year.

Exception.

Termination.

(3) The agreement may be determined by either of the parties thereto at the end of any calendar year on giving six months' previous notice to the other party. 3-4 Geo. V. c. 71, s. 72.

Right to establish and maintain continuation schools.

73. The separate school board of a municipality or in a school section or union school section shall have and may exercise the same rights, powers and privileges with respect to the establishment and maintenance of continuation schools and shall be subject to the same duties and obligations with respect to such schools as the public school board of the municipality, section or union school section as the case may be. 3-4 Geo. V. c. 71, s. 73.

County rate in aid of schools.

74.—(1) The council of every county shall levy and collect by an equal rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned by the Minister on the basis of the equipment and accommodations of the rural schools of the county, and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

County to raise equivalent to legislative grant for fifth classes.

(2) The council of every county shall levy and collect by an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities, a sum at least equal to that part of the legislative grant for public and separate school purposes which is apportioned to the schools in the municipality for fifth classes, and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

Apportionment of school money in united counties.

(3) The council of two or more counties united for municipal purposes may apportion the amount to be levied under this section so that each county forming the union shall be liable only for sums payable in respect of public and separate schools within such county.

Grant for maintenance of fifth forms.

(4) Where a board establishes and maintains a fifth form in any one of its schools and is entitled under the regulations to share in respect of it in the legislative grant for fifth forms the council of the county in which the school is situate shall pay towards the maintenance of the fifth form a sum at least equal to the share of such legislative grant which the board receives in respect of it, and may contribute for its maintenance such further sum as it may deem expedient.

How apportioned between counties.

(5) In the case of a separate school having in attendance children from two or more counties the council of each county shall pay a proportion of the whole sum required to be paid

under subsection 4 which bears the same ratio to the whole sum as the number of children resident in it attending the school, as shown by the school register, bears to the whole number of children in attendance. 3-4 Geo. V. c. 71, s. 74.

75.—(1) The board of a separate school may pass by-laws for borrowing money for school purposes and for making mortgages and other instruments for the security and payment thereof, or of money payable or to be paid for school sites, school buildings or additions thereto, or the repairs thereof, upon the school-house property and premises or any other real or personal property vested in the board, or upon the separate school rates, and any ratepayer who was a separate school supporter at the time when the loan was effected on the security of the property or rates shall, while resident within the section or municipality within which the separate school is situate, continue to be liable for the rate to be levied for the repayment of the money so secured.

Borrowing
powers of
trustees of
separate
schools.

(2) The principal money may be made payable in annual or other instalments, with or without interest, and the board, in addition to all other rates or money which it may levy in any one year, may levy and collect in each year such further sum as may be requisite for paying all principal money and interest falling due in such year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected.

Terms of
payment.

(3) Such mortgages and other instruments may in the discretion of the board be made in the form of debentures; and the debentures shall be a charge on the same property and the rates as in the case of mortgages thereof made by the board.

Debentures.

(4) The debt to be so incurred and the debentures to be issued therefor may be made payable in thirty years at the furthest, and in equal annual instalments of principal and interest, or in any other manner authorized by *The Municipal Act* in the case of debentures issued under that Act.

Maturity.

Rev. Stat.
c. 192.

(5) Where the debt is not payable by instalments the board shall levy in each year during its currency in addition to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable, which shall be invested in the manner provided by *The Municipal Act* as to the investment of sinking funds.

Sinking
fund.

Rev. Stat.
c. 192.

(6) Every such by-law, before being acted upon, shall be published at least for three successive weeks in some public newspaper published weekly or oftener in the city, town or

Publication
of by-law.

county in which the separate school is situate; and if no application to quash the by-law is made for three months after the publication thereof the by-law shall be void notwithstanding any want of substance or form in the by-law or in the time or manner of passing the same.

Amounts.

(7) The debentures issued under the by-law may be for such amounts as the board may deem expedient. 3-4 Geo. V. c. 71, s. 75.

Right of separate schools to a share of municipal grant.

76.—(1) Every separate school shall be entitled to share in all grants, investments and allotments for public school purposes now or hereafter made by any municipal authority according to the average number of pupils attending the school during the next preceding twelve months, or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township.

Apportionment.

(2) Where the grant is made by a county council the same shall be apportioned in like manner as the legislative grant.

But not to any share of local assessment for public schools.

(3) A separate school shall not be entitled to share in any school money arising or accruing from local assessment for public school purposes within the city, town, village or township in which the school is situate. 3-4 Geo. V. c. 71, s. 76.

MISCELLANEOUS.

Visitors of separate schools.

77. The Minister of Education, the judges of all courts, members of the assembly, heads of the municipal corporations in their respective localities, the inspectors of public schools and clergymen of the Roman Catholic Church shall be visitors of separate schools. 3-4 Geo. V. c. 71, s. 77.

Inspection of schools

78. The schools with their registers shall be subject to such inspection as may be directed by the Minister of Education and shall be subject also to the Regulations. 3-4 Geo. V. c. 71, s. 78.

Model schools for teachers of separate schools.

79. The Minister of Education may, subject to the Regulations, constitute a separate school in any county or district a Model School for the training of teachers for separate schools. 3-4 Geo. V. c. 71, s. 79.

Disagreement between inspectors, etc.

80. In the event of a disagreement between a board and the inspector of public schools or any municipal authority or of a complaint against the election of a rural school trustee or against the establishment of a school in close proximity to an existing school, or any other proceeding of a rural school meeting, signed by five supporters of the school concerned or of such existing school, the matter in difference shall be deter-

mined by the Minister of Education, subject to an appeal to the Lieutenant Governor in Council, whose decision shall be final. 3-4 Geo. V. c. 71, s. 80.

SUPERANNUATION.

81. Every teacher and inspector whose name was, on the 30th day of March, 1886, entered as having contributed to the fund for superannuated teachers may continue to contribute to such fund, in such manner as may be prescribed by the Regulations, at least \$4 annually, but no payment of arrears which accrued before the first day of January, 1885, shall be allowed. 3-4 Geo. V. c. 71, s. 81.

Superannuation fund.

82. On the death of any such teacher or inspector the wife, husband, or legal representative of such teacher or inspector shall be entitled to receive the amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent. per annum. 3-4 Geo. V. c. 71, s. 82.

Repayment to wife, etc., of deceased teacher.

83.—(1) Every such teacher and inspector who while engaged in his profession has contributed to the fund for superannuated teachers as provided by this Act shall on reaching the age of sixty years, if he retires from the profession, receive an allowance at the rate of \$6 per annum for every year of service in Ontario upon furnishing evidence of good moral character, age and length of service.

Allowance upon retirement at sixty years of age.

(2) A teacher or inspector who has reached the age of sixty years shall not be disqualified for superannuation by reason of his having retired from active service before reaching that age if he has served for a period of thirty years. 3-4 Geo. V. c. 71, s. 83.

Or after 30 years' service.

84. Every such teacher and inspector under sixty years of age who has so contributed and who is disabled from practising his profession shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character and disability. 3-4 Geo. V. c. 71, s. 84.

Retirement through disability.

85.—(1) Every superannuated teacher and inspector who holds a first or second class provincial certificate, or a first-class county board certificate, or who has been a principal of a high school or collegiate institute, shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as principal of a high school or collegiate institute.

Extra allowance to certain teachers.

(2) The retiring allowance shall cease at the close of the year in which the death of the recipient takes place. 3-4 Geo. V. c. 71, s. 85.

When allowance to cease.

Teacher
resuming
profession.

86. If a superannuated teacher or inspector, with the consent of the Minister, resumes the profession of a teacher or inspector the payment of his allowance shall be suspended during the time he is so engaged; and if he is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act and the Regulations. 3-4 Geo. V. c. 71, s. 86.

Again
retiring.

Forfeiture
of claim.

87. A teacher or inspector who having resumed his profession wilfully draws or continues to draw upon the superannuation fund shall forfeit all claim to the fund and his name shall be struck off the superannuation list. 3-4 Geo. V. c. 71, s. 87.

Repayment
to contrib-
utors.

88. A teacher or inspector who retires from the profession or who desires to remove his name from the list of contributors to the superannuation fund shall be entitled to receive back one-half of any sum contributed by him to the fund. 3-4 Geo. V. c. 71, s. 88.

Teachers
not avail-
ing them-
selves of
Act.

89. Where a teacher or inspector does not avail himself of the provisions of section 81 or of section 88 sections 82 to 87 shall apply so far as relates to all sums already paid by them into the superannuation fund. 3-4 Geo. V. c. 71, s. 89.

Grant by
board to
superannu-
ation fund.

90.—(1) Subject to the Regulations the separate school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein, and may make it a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules.

Power of
investment.

(2) A separate school board may invest any money received through legacy, gift or otherwise in its hands for the purposes of a superannuation fund and as to such money shall have and may exercise the powers conferred upon trustees by *The Trustee Act*. 3-4 Geo. V. c. 71, s. 90.

Rev. Stat.
c. 121.

SCHOOL YEAR AND HOLIDAYS.

Terms.

91.—(1) The school year shall consist of two terms, the first of which shall begin on the 1st day of September and shall end on the 22nd day of December and the second of which shall begin on the 3rd day of January and end on the 29th day of June.

Holidays.

(2) Every Saturday, every public holiday, the week following Easter Day and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged shall be a holiday.

(3) With the approval of the inspector the board of a rural school may substitute holidays in some other part of the year for part of the time herein allowed for Easter and Midsummer vacations to suit the convenience of pupils and teachers, but the number of holidays prescribed by subsections 1 and 2 shall be allowed in each year. 3-4 Geo. V. c. 71, s. 91.

PENALTIES AND PROHIBITIONS.

92. If a teacher negligently or wilfully permits an unauthorized book to be used as a text book by the pupils of his school the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book or any less sum at its discretion. 3-4 Geo. V. c. 71, s. 92.

Use of unauthorized books.

93. Any person who wilfully makes a false declaration of his right to vote at any school meeting or at an election of school trustees shall incur a penalty of not less than \$5 nor more than \$10. 3-4 Geo. V. c. 71, s. 93.

False declaration as to right to vote.

94. A trustee of a separate school shall not be eligible for appointment as separate school inspector or teacher, nor shall the teacher of a high, public or separate school hold the office of trustee of a separate school, nor shall an inspector be a teacher or trustee of any separate school while he holds the office of inspector. 3-4 Geo. V. c. 71, s. 94.

Disqualification for certain offices.

95. If a trustee is convicted of any indictable offence, or becomes insane, or without being authorized by resolution entered upon the minutes absents himself from the meetings of the board for three consecutive months, or ceases to reside within the municipality in case of an urban school, or within three miles of the school in the case of a rural school, he shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare his seat vacant. 3-4 Geo. V. c. 71, s. 95.

Seat vacated by conviction for crime, etc.

96.—(1) A trustee shall not enter into any contract, agreement, engagement or promise, either in his own name or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty on behalf of the board; and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat.

Seat vacated by interest in contract with board.

(2) On the complaint of two supporters of the school or of the remaining trustee or trustees the Judge of the County or District court shall, on proof of the facts, declare the seat

When seat may be declared vacant.

vacant, and the remaining trustee or trustees shall forthwith order a new election.

Exception.

(3) Nothing in this section shall prevent a trustee receiving payment for services as a collector or prevent the board from allowing the secretary or treasurer such compensation for his services as may be approved at the annual meeting of the supporters of the school and duly entered in the minutes.

Newspaper proprietors inserting official advertisements not disqualified.

(4) No person shall be disqualified from being a member of a board or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. 3-4 Geo. V. c. 71, s. 96.

Penalty for disturbing a school or school meeting.

97. Any person who wilfully interrupts or disquiets the proceedings of a school meeting or a separate school by rude or indecent behaviour, or by making a noise either within the place where such meeting is held or such school is kept or so near thereto as to interfere with the proceedings of the meeting or order of exercises of the school, shall for each offence incur a penalty not exceeding \$20. 3-4 Geo. V. c. 71, s. 97.

Refusing to serve.

Disqualified person acting.

98. A trustee who refuses to serve after being duly elected shall incur a penalty of \$5, and a person elected as a trustee who as such attends any meeting of the board after becoming disqualified shall incur a penalty of \$20 for every meeting so attended. 3-4 Geo. V. c. 71, s. 98.

Penalty for refusal to perform duties.

99. Every person elected as trustee who has not refused to accept the office and who at any time refuses or neglects to perform its duties shall incur a penalty not exceeding \$20. 3-4 Geo. V. c. 71, s. 99.

Penalty for failing to transmit minutes.

100. A chairman who neglects to transmit to the inspector a minute of the proceedings of any annual or other rural school meeting over which he has presided within ten days after the holding of such meeting shall incur a penalty not exceeding \$5. 3-4 Geo. V. c. 71, s. 100.

Liability for neglect to take security.

101. If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school money, and any school money is forfeited or lost to the board in consequence of such refusal or neglect, every member of the board shall be personally liable for such money and the same may be recovered by the board or any supporter interested therein in any court of competent jurisdiction, but no member shall be liable if he proves that he made reasonable

Exception.

efforts to procure the taking of such security. 3-4 Geo. V. c. 71, s. 101.

102. A secretary or treasurer and a person having been a secretary or treasurer and a trustee or other person who has in his possession any book, paper, chattel or money which came into his possession as such secretary, treasurer, trustee or otherwise shall not wrongfully withhold, or neglect, or refuse to deliver up, or account for and pay over the same or any part thereof to the person, and in the manner directed by the board or by other competent authority. 3-4 Geo. V. c. 71, s. 102.

Secretary-treasurer, or trustee refusing to deliver up books and money.

103.—(1) Upon application to a Judge of the County or District court by the board or by any two supporters of the school, supported by affidavit, showing such wrongful withholding or refusal the Judge may summon such secretary, treasurer, trustee, or person to appear before him at a time and place appointed by him.

Summons for appearance.

(2) Any bailiff of a division court, upon being requested so to do, shall serve the summons or a true copy thereof on the person complained against personally or by leaving the same with a grown-up person at his residence.

Service of Summons.

(3) At the time and place so appointed the Judge, being satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint; and if he is of opinion that it is well founded the Judge shall order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may allow.

Order to account, etc.

(4) In the event of non-compliance with the order the Judge may order the person complained against to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to the common gaol of the county or district in which he resides, there to remain without bail until the Judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

Effect of non-compliance with judge's order.

(5) Upon proof of his having so done the Judge shall make an order for his discharge and he shall be discharged accordingly.

Discharge upon compliance.

(6) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the judge may order his discharge on such terms or conditions as he may deem just.

Discharge upon terms.

Other
remedy not
affected.

(7) Such proceedings shall not impair or affect any other remedy which the board or any other person may have against the person complained against or against any other person. 3-4 Geo. V. c. 71, s. 103.

Penalty on
trustees
refusing
information,
etc., to
auditors.

104. It shall be the duty of the board and of the secretary and the treasurer to furnish the auditors with any papers or information in its or his power which may be required of it or him relating to the school accounts, and any member of the board or a secretary or treasurer who neglects or refuses so to do shall incur a penalty not exceeding \$20. 3-4 Geo. V. c. 71, s. 104.

Penalty for
delaying
yearly
report.

105. If a board neglects to transmit its annual report to the Minister in accordance with clause (1) of section 45 each of them shall for every week during which the default continues and until such report is transmitted incur a penalty of \$5. 3-4 Geo. V. c. 71, s. 105.

Penalty for
false school
reports and
registers.

106. If a trustee knowingly signs a false report, or if a teacher keeps a false school register or makes a false return, he shall for every offence incur a penalty not exceeding \$20. 3-4 Geo. V. c. 71, s. 106.

Personal
responsibility
for money
lost.

107.—(1) The trustees of every separate school shall be personally responsible for the amount of any school money forfeited by or lost to the board in consequence of their neglect of duty.

Collection
and appli-
cation.

(2) The amount so forfeited or lost shall when collected be applied in the manner provided for by this Act. 3-4 Geo. V. c. 71, s. 107.

Recovery and
application of
penalties.

Rev. Stat.
c. 90.

108. Except as otherwise provided the penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*, and shall be applied to such separate school purposes as the Minister may direct. 3-4 Geo. V. c. 71, s. 108.

FORM A.

FORM OF INDEX BOOK.

(Section 62.)

Names.	Notices claiming exemption. When received.	Remarks.
Allen, John	3rd February, 19 .	Notice of withdrawal received 1st January, 19 .
Ardagh, Joseph	3rd February, 19 .	Disallowed by Court of Revision, 1st June, 19 .
Ashbridge, Robert..	3rd February, 19 .	

3-4 Geo. V. c. 71, Form A.

FORM B.

(Section 66.)

NOTICE BY CORPORATION AS TO APPLICATION OF SCHOOL TAX.

To the Clerk of (*describing the municipality*),

Take notice that (*here insert the name of the corporation so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the Directors requires that hereafter and until this notice is either withdrawn or varied, the whole or so much of the assessment for land and business or other assessments of the corporation within (*giving the name of the municipality*) as is hereinafter designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of the land and business or other assessments.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of the company.

3-4 Geo. V. c. 71, Form B.

CHAPTER 271.

An Act respecting Industrial Schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title. 1. This Act may be cited as *The Industrial Schools Act*.
10 Edw. VII. c. 105, s. 1.
- Interpretation. 2. In this Act,
- “Board of Public School Trustees.” “Board of public school trustees” shall include a board of education.
- “Industrial School.” “Industrial school” shall mean a school in which industrial training is provided, and in which children are lodged, clothed and fed, as well as taught, and which has been certified by the Minister under section 3 of this Act.
- “Industrial School Board.” “Industrial school board” shall mean and include a board of education, a board of public school trustees, a board of separate school trustees, a board of management or any other body having control of an industrial school.
- “Inspector.” “Inspector” shall mean Superintendent of Neglected and Dependent Children or such other officer as may be designated by the Lieutenant-Governor in Council.
- “Judge.” “Judge” shall include a Judge of the Supreme Court, a Judge of a County or District Court, a police magistrate and a justice of the peace.
- “Minister.” “Minister” shall mean the Provincial Secretary of Ontario or other member of the Executive Council charged by the Lieutenant-Governor in Council with the administration of this Act.
- “Municipality.” “Municipality” shall mean and include a city, county or a town separated from the county for municipal purposes, and a town having a population of 5,000 or over in a provisional judicial district.
- “Philanthropic Society.” “Philanthropic society” shall mean a society approved by the Lieutenant-Governor in Council for the purposes of this Act. 10 Edw. VII. c. 105, s. 2.

3.—(1) The board of public school trustees or the board of separate school trustees of any city or town may acquire by purchase, lease or otherwise such real and personal property, and may erect, equip and maintain such buildings as they may deem necessary or proper for the purposes of an industrial school, and may establish, control and manage an industrial school.

Establishment by school board.

(2) The board shall cause notice of the establishment of the school to be given to the Inspector who shall report thereon to the Minister.

Notice to Minister.

(3) If the Inspector reports in favour of such action the Minister may in writing under his hand certify that the school is a fit and proper one for the reception of children to be sent there, and the school shall thereupon be deemed a certified industrial school for the purposes of this Act.

Approval by Minister.

4.—(1) Any board of school trustees may delegate the powers, rights and privileges conferred upon it by this Act respecting the establishment, control and management of an industrial school to any philanthropic society.

Delegation of powers to philanthropic society.

(2) Thereafter this Act shall apply to the philanthropic society as fully as to the board.

Application of Act to society.

(3) The chairman and secretary of the board of public school trustees of the city or town in which the industrial school is situated or under whose control it is placed and the chief public school inspector of the city or town shall be members of the board of management of the society when acting under powers delegated by the board of public school trustees.

Representation of school boards on board of management.

(4) The chairman and secretary of the separate school board shall be members of the board of management of a society acting under powers delegated by the separate school board.

Representation of separate school board.

5.—(1) A philanthropic society to which the powers of a school board have been delegated, in addition to any powers which it may possess as to raising money on the security of its property, may borrow money on debentures to an amount not exceeding two-thirds of the value of the real and personal property owned by such society, and such debentures shall be a charge upon the real and personal property of the society.

Societies may borrow on debentures.

(2) A certificate of the number and amount of such debentures as they are issued under the seal of the society and signature of the president or secretary shall be filed in the proper registry office or land titles office, and shall be open to inspection on payment of 10 cents.

Registration of certificate of debentures.

Aid to industrial schools.

6. A school board authorized to establish an industrial school and the council of any municipality may grant aid to any industrial school in the same manner as to other schools notwithstanding that such school does not lie within the municipality wherein such school board or council has jurisdiction. 10 Edw. VII. c. 105, s. 6.

Corporation guaranteeing debentures.

7.—(1) The council of the city or town may by by-law guarantee any debentures issued for industrial school purposes to the amount authorized by section 5 of this Act.

Liability for debenture debt.

(2) Any debenture debt guaranteed by a municipal corporation under this section which has been incurred by the board of public school trustees or a philanthropic society acting under powers derived from such board shall be a liability of the supporters of public schools, and any debt incurred by the board of separate school trustees or by a philanthropic society acting under powers derived from a separate school board shall be a liability of the supporters of separate schools. 10 Edw. VII. c. 105, s. 7.

Religious corporations empowered to grant or lease lands to industrial schools.

8. Any religious corporation may set apart and grant or lease for a nominal consideration or otherwise for industrial school purposes any land which it has a general power to dispose of for religious, charitable or educational purposes, without being deemed guilty of a breach of trust. 10 Edw. VII. c. 105, s. 8.

Providing teachers and general superintendent.

9.—(1) A school board which has delegated its power to establish an industrial school shall provide the teachers necessary for the school, and the general superintendent shall when practicable be selected from the teachers so appointed.

Or paying per capita allowance instead of furnishing teachers.

(2) In lieu of providing such teachers the school board may annually pay a *per capita* allowance to the industrial school board for each child taught, but such allowance shall not be less than the average cost *per capita* for each child attending the industrial school in the then next preceding year.

Power as to teachers.

(3) Where the school board adopts such plan of payment the power of hiring and discharging teachers shall vest in the industrial school board. 10 Edw. VII. c. 105, s. 9.

Certain children under sixteen may be brought before Judge.

10.—(1) Any person may bring before a Judge any child apparently under the age of sixteen years who

(a) is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms;

(b) is found wandering and has not any home or settled place of abode or proper guardianship;

- (c) is found destitute either being an orphan or having a surviving parent who is undergoing imprisonment;
- (d) is an habitual truant and whose parent or teacher represents that he is unable to control the child;
- (e) is by reason of the neglect, drunkenness or other vices of his parents suffered to grow up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life;
- (f) has been accused or found guilty of petty crime.

(2) No formal information shall be requisite, but the Judge shall have the child brought before him and shall in the presence of the child take evidence in writing under oath of the facts charged, and shall make reasonable inquiry into the truth thereof. Magistrate to inquire into truth of facts charged.

(3) The Judge shall hear all cases coming before him under this section in private. Hearing in private.

(4) If the Judge is satisfied on inquiry that it is expedient to deal with the child under this Act instead of committing him to a gaol or reformatory, he shall make his order in writing that the child be sent to an industrial school. 10 Edw. VII. c. 105, s. 10. Magistrate may order child to school.

11. Where under the authority of any statute of Ontario or of any other statute or law of Canada any person is convicted of an offence punishable by imprisonment, and the Judge before whom he is convicted is of opinion that such offender is under the age of sixteen years the Judge may make the order provided for in the next preceding section. 10 Edw. VII. c. 105, s. 11. Child under 16 may be sent to industrial school.

12. The Inspector may by his order in writing direct that a child who has been placed in a foster home under the provisions of *The Children's Protection Act of Ontario* shall be sent to an industrial school. 10 Edw. VII. c. 105, s. 12. Inspector may send child to school. Rev. Stat. c. 231.

13. The Judge or Inspector shall endeavour to ascertain the religious persuasion to which the child belongs, and shall as far as practicable send a Roman Catholic child to a Roman Catholic industrial school and a child of any other religious persuasion to a school established by and with the sanction of a board of public school trustees. 10 Edw. VII. c. 105, s. 13. Religious persuasion of offenders.

14. Every child sent to an industrial school shall where practicable be taken to the school by an agent or member of a Children's Aid Society, and the actual expense incurred in so doing shall be borne by the municipality liable for maintenance. 10 Edw. VII. c. 105, s. 14. Transportation of children to school.

Particulars
to be set
out in order.

15. The Judge or Inspector shall in his order designate the school to which the child is to be sent and the person in whose custody he is to be conveyed to the school, and shall thereon particularize state the name, age and parentage of the child, his religious persuasion, and the municipality liable for his maintenance. 10 Edw. VII. c. 105, s. 15.

Depositions
to be deliv-
ered to
person exe-
cuting
warrant.

16. The Judge or Inspector shall deliver to the person executing the execution of the order the depositions taken by him or a certified copy thereof which depositions or copy shall be delivered to the general superintendent or officer receiving the child into the industrial school. 10 Edw. VII. c. 105, s. 16.

Parole in
three years.

17.—(1) Every child sent to an industrial school shall within three years from the date of the order be given over to the custody of his or her parents or be apprenticed or placed out in a foster home as the industrial school board may deem advisable.

Rights of a
Board on
return of
child to
school.

(2) After a child has been given over to the custody of his or her parents or has been apprenticed or placed out in a foster home the general superintendent of the school, with the approval of the Inspector, may if he deems it necessary in the interest of such child cause the child to be returned to the school and thereafter the Industrial School Board shall have the right to collect the amount for maintenance directed to be paid when such child was committed.

Supervision
after leav-
ing school.

(3) An industrial school board shall exercise and maintain supervision over every child committed to its guardianship after leaving the school, and shall keep such records and provide for such visits as may be prescribed by the Inspector. 10 Edw. VII. c. 105, s. 17.

Persons
committed
to remain
under guar-
dianship
until 21
years old

18. Subject to the provisions of section 19 every child committed to an industrial school shall remain under the guardianship of the industrial school board, and it shall possess and exercise all the rights and powers of a parent in regard to such child until he shall attain the age of 21 years. 10 Edw. VII. c. 105, s. 18.

Transfer
of child
from one
school to
another.

19. The Minister may at any time order that a child be transferred from one industrial school to another or may order that a child be discharged from an industrial school either absolutely or on such conditions as he may think fit, and the child shall be transferred or discharged accordingly. 10 Edw. VII. c. 105, s. 19.

20. A clergyman of the religious persuasion to which a child appears to belong may visit the child at the school for the purpose of instructing him in religion on such days and at such times as may be fixed by regulations of the Minister. 10 Edw. VII. c. 105, s. 20.

21. An Industrial School Board may permit a child sent to the industrial school to live at the dwelling of any trustworthy and respectable person; but the control of such board over the child shall not thereby be abated or diminished, nor the liability of any municipality for the maintenance of such child increased. 10 Edw. VII. c. 105, s. 21.

Children may reside with respectable persons.

22. If the child leaves the person with whom he is placed without the permission of the Industrial School Board or refuses to return to the school he shall be deemed to have escaped from the school. 10 Edw. VII. c. 105, s. 22.

What shall be deemed escape from school.

23.—(1) If a child sent to an industrial school escapes from the school or neglects to attend thereat he may, at any time before the expiration of his period of detention, be apprehended without warrant, and may be brought back to the school there to be detained during the period equal to so much of his period of detention as remained unexpired at the time of his escape.

Apprehension on escape or absence.

(2) Every person who aids or abets any child in such escape shall incur a penalty not exceeding \$25 to be recoverable under *The Ontario Summary Convictions Act* before a police magistrate or two justices of the peace. 10 Edw. VII. c. 105, s. 23.

Aiding or abetting escape.

Rev. Stat. c. 90

24. Where the maintenance of a child is not otherwise fully provided for the municipality in which the child resided for one year last preceding his admission to the school shall pay the sum of \$1.25 per week towards the expenses of maintenance. 10 Edw. VII. c. 105, s. 24.

Municipality liable for maintenance.

25. The Treasurer of Ontario shall pay towards the maintenance of every child sent to an industrial school from a provisional judicial district for whose maintenance a city or town is not liable the sum of 43 cents for each day's actual stay of the child in the school. 10 Edw. VII. c. 105, s. 25.

Children from unorganized territory.

26.—(1) On the complaint of an Industrial School Board or of a municipal corporation liable to contribute to the maintenance of a child in an industrial school the Judge of the Division Court of the division in which the parent, step-parent or guardian of the child resides may summon the parent, step-parent or guardian before him and may examine into his ability to maintain the child; and the Judge may if he thinks fit order the parent, step-parent or guardian to pay to the Industrial School Board or municipality such weekly sum, not exceeding \$1.25 per week, as to the Judge seems reasonable during the whole or any part of the time during which the child is liable to be detained in the school; and such order shall for all purposes be a judgment of the Division Court.

Power to order parent, etc., to maintain a child.

Varying the order for maintenance.

(2) On the application either of the parent, step-parent or guardian, or of the Industrial School Board or municipality, after fourteen days' notice of the application has been given to the other party, the Judge making such order or any other Judge holding the Division Court may from time to time vary the same. 10 Edw. VII. c. 105, s. 26.

Rules of management.

27. Every Industrial School Board may make rules for the management and discipline of the industrial school established by it, but such rules shall not take effect until approved in writing by the Inspector. 10 Edw. VII. c. 105, s. 27.

Provincial grant in aid.

28.—(1) The sum of twenty-five cents for each day's actual stay of a pupil in an industrial school complying with the requirements shall be paid quarterly by the Treasurer of Ontario to the Industrial School Board out of any money appropriated by this Legislature for that purpose.

How amount to be calculated.

(2) In calculating the amount of aid to be so given the day of departure of any pupil from such institution shall be included.

How grant to be payable.

(3) The money payable under this section shall be paid by the Treasurer upon the report of the Inspector approved by the Minister. 10 Edw. VII. c. 105, s. 28.

Penalty in case of false return.

29. Any person who knowingly and wilfully makes, or is a party to, or procures to be made, directly or indirectly, any false statement in a return required by or under the authority of this Act shall incur a penalty of \$500 to be payable to the Treasurer of Ontario, and to be recoverable only at the suit of the Crown. 10 Edw. VII. c. 105, s. 29.

Inspection of schools receiving public aid.

30 The Inspector shall have the right to inspect every institution receiving aid under this Act, and shall from time to time report on the general management and efficiency of the work carried on. 10 Edw. VII. c. 105, s. 30.

Of public industrial school.

31.—(1) When required by the public school board the inspector of public schools for the city or town shall visit and inspect any industrial school established by such Board or by a philanthropic society to which it has delegated its powers for the purpose of reporting upon the efficiency of its teachers and the progress of the pupils in any of the branches of the school work coming within those prescribed by the Regulations of the Department of Education for public schools.

Of Roman Catholic industrial school.

(2) An inspector of separate schools upon the request of a separate school board may visit, inspect and report in like manner upon a Roman Catholic Industrial School established by such Board or by a philanthropic society to which it has delegated its powers.

(3) Save as aforesaid the inspector of public schools and the inspector of separate schools shall not be called upon to perform any duty and shall not possess any powers with respect to Industrial Schools. 10 Edw. VII. c. 105, s. 31. ^{Limit of powers and duties of inspectors.}

CHAPTER 272.

An Act respecting Special Classes.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Special Classes Act*.

Establishment of special classes for backward or defective children.

2. The board of education or the board of public school trustees or the board of separate school trustees of any city may establish and conduct in connection with any school building or in a separate school building provided for that purpose special classes for children

(a) who are backward or abnormally slow in learning;

(b) who from physical or mental causes require special training and education;

and subject to the regulations made by the Minister of Education may cause a register of such children to be made and may provide teachers and suitable appliances, books and furniture for such classes. 1 Geo. V. c. 78, s. 1.

How admission obtained.

3. Children may be admitted to such special classes upon the application of their parents or guardians and upon the report of the Inspector and the principal of any school at which they are in attendance. 1 Geo. V. c. 78, s. 2.

Medical inspection.

4. The board may provide for medical inspection by a duly qualified medical practitioner of the children attending special classes, and upon the recommendation of the medical inspector may provide for medical treatment being given to any child who appears to the medical inspector to require the same and whose parents are unable from poverty or other cause to provide adequately for the treatment of the child. 1 Geo. V. c. 78, s. 3.

Duty of School Boards as to health and treatment of child.

5. It shall be the duty of a board which has established special classes under this Act to provide for the proper supervision of the health and treatment of every child attending a special class, and for this purpose to direct the medical inspector or such officer as the board may appoint to visit the children in their homes and to consult and advise with the parents of the children as to their treatment in their homes and the conditions which will best enable the children

to attain a normal degree of intelligence and education. 1 Geo. V. c. 78, s. 4.

6. Subject to the approval of the Minister the board may provide a special course of study for children attending the special classes established under this Act. 1 Geo. V. c. 78, s. 5.

7. The Minister of Education may from time to time make Regulations for the administration and enforcement of this Act and for the establishment, organization, government and examination and inspection of special classes and for prescribing the accommodation and equipment of school rooms or buildings and the arrangement of school premises for special classes. 1 Geo. V. c. 78, s. 6.

8. Subject to the Regulations the Minister shall annually apportion among the special classes all sums of money appropriated as a special grant therefor. 1 Geo. V. c. 78, s. 7.

CHAPTER 273.

An Act respecting the Schools for the Instruction of the Deaf and Blind.

THIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enact as follows:

Short title.

1. This Act may be cited as *The Schools for the Deaf and Blind Act*.

The Institution at Belleville to be for the public use of the Province, etc.
Name.

2. The Institution at Belleville, for the education and instruction of the deaf and dumb, with the land, buildings and appurtenances, and any land hereafter purchased or acquired for the same, and any buildings hereafter erected thereon, shall be for the public use of the Province, and shall be known and designated as "The Ontario School for the Deaf." R.S.O. 1897, c. 319, s. 1; 3-4 Geo. V. c. 18, s. 46, part.

The Institution at Brantford to be for the public use of the Province, etc.
Name.

3. The Institution at Brantford, for the education and instruction of the blind, with all the land, buildings and appurtenances, and any land hereafter purchased or acquired for the same, and any buildings hereafter erected thereon, shall be for the public use of the Province, and shall be known and designated as "The Ontario School for the Blind." R.S.O. 1897, c. 319, s. 2; 3-4 Geo. V. c. 18, s. 46, part.

Objects of the institutions.

4. Such Institutions shall be for the purpose of educating and of imparting instruction in manual arts to such deaf persons and such blind persons as are born of parents, or are wards of persons, *bona fide* residents of Ontario. R.S.O. 1897, c. 319, s. 3.

Appointment of officers.

5. The Lieutenant-Governor in Council may appoint to each of such Institutions, to hold office during pleasure, a principal who shall be the chief executive officer of the same, a bursar, a physician, a matron, and such other officers, instructors and servants as he may deem necessary; and may also fix the salary of every such officer and servant. R.S.O. 1897, c. 319, s. 4.

Salaries.

Minister of Education and his powers.

6.—(1) The Institutions shall be under the control and direction of the Minister of Education, and he shall have power, and it shall be his duty, to make such regulations as he may deem expedient for their government, discipline and

management, prescribing and regulating the duties of the principals, bursars, physicians, matrons, and other officers, instructors and servants employed in or about such institutions; for the education and instruction of the pupils; and, subject to the provisions of this Act, prescribing the terms and conditions upon which pupils shall be admitted to, and remain in, the institutions, and the period for which they shall be allowed to remain therein, and for their discharge therefrom. R.S.O. 1897, c. 319, s. 6; 5 Edw. VII. c. 38, s. 1 and 2, *redrafted*.

(2) No such regulations shall have any effect until approved by the Lieutenant-Governor in Council. R.S.O. 1897, c. 319, s. 6. Regulations.
Approval by
Lieutenant-Governor.

7.—(1) No person shall be admitted to either institution except for the purposes of education and instruction, or who is over the age of twenty-one years, except with the consent in writing of the Minister of Education, and upon the report of the principal of such institution to the Minister of the particulars and special circumstances which, in his opinion, justify such admission. Admittance.

(2) Where a person is admitted under the next preceding subsection the Minister shall determine how the cost of his maintenance and support shall be borne. Maintenance,
cost of.

(3) The principal of the institution shall report half yearly to the Minister whether in his opinion the terms upon which such person is maintained and supported should be continued, giving the particulars and special circumstances, upon which his opinion is founded. Report to
be made
half-
yearly.

(4) The Minister may at any time direct the discharge of any such person or may vary the terms upon which he is being supported and maintained in the institution. 6 Edw. VII. c. 57, s. 1. Discharge,
or variation
in terms.

CHAPTER 274.

An Act respecting Truancy and Compulsory School Attendance.

His MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as *The Truancy Act*. 9 Edw. VII. c. 92, s. 1.

Interpretation. 2. In this Act—

"Inspector." (a) "Inspector" shall mean an inspector of public or separate schools;

"Principal." (b) "Principal" shall mean the head teacher of a public, separate or private school;

"Regulations." (c) "Regulations" shall mean regulations made under the authority of *The Department of Education Act*;

"School." (d) "School" shall mean a public or a separate school or a private school at which instruction is given regularly in reading, spelling, writing, grammar, geography and arithmetic. 9 Edw. VII. c. 92, s. 2.

Children from 8 to 14 to attend school. 3. Every child between eight and fourteen years of age shall attend school for the full term during which the school of the section or municipality in which he resides is open each year, unless excused for the reasons hereinafter mentioned. 9 Edw. VII. c. 92, s. 3.

Duty of persons with whom children reside. 4. A person who has received into his house another person's child under the age of fourteen who is resident with him or is in his care or legal custody shall be subject to the same duty with respect to the instruction of such child during such residence as a parent, and shall be liable to be prosecuted as in the case of a parent if he fails to cause such child to be instructed as required by this Act; but the duty of the parent under this Act shall not be thereby affected or diminished. 9 Edw. VII. c. 92, s. 4.

Exemptions from penalties. 5.—(1) A parent, guardian or other person shall not be liable to any penalty imposed by this Act in respect of a child if—

- (a) the child is under efficient instruction at home or elsewhere;
- (b) the child is unable to attend school by reason of sickness or other unavoidable cause;
- (c) there is no public or separate school which the child has the right to attend within two miles, measured by the nearest highway from such child's residence, if he is under ten years of age, or within three miles if he is over that age;
- (d) there is not sufficient accommodation in the school which the child has the right to attend;
- (e) the child has been excused, as hereinafter provided, by a justice of the peace or by the principal of the school which the child is entitled to attend; or
- (f) the child has passed the entrance examination for high schools prescribed by the Regulations, or has completed the course prescribed for the fourth form of the public schools or a course which gives him an equivalent standing. 9 Edw. VII. c. 92, s. 5.

(2) The fact that the child is blind or deaf and dumb shall not be deemed an unavoidable cause within the meaning of clause (b) of this section if the child is a fit subject for admission to The Ontario School for the Deaf or The Ontario School for the Blind. 3-4 Geo. V. c. 70, s. 36.

6.—(1) No child under the age of fourteen years who has not a valid excuse under this Act shall be employed by any person during school hours while the public school of the section or municipality in which the child resides is in session, and any person who employs a child in contravention of this section shall incur a penalty not exceeding \$20.

When blind or deaf and dumb child within Act.

Employment of children during school hours prohibited.

Penalty.

(2) Where in the opinion of a justice of the peace or of the principal of the school attended by any child the services of such child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, such justice or principal may, by certificate setting forth the reasons therefor, relieve such child from attending school for any period not exceeding six weeks during each public school term. 9 Edw. VII. c. 92, s. 6.

When Justice of the Peace or principal may relieve child from attendance.

7.—(1) The police commissioners and, where there are no police commissioners, the municipal council of every city, town and village shall appoint, control and pay one or more truant officers for the enforcement of this Act, and notice of such appointment shall be forthwith given to the school boards of the municipality.

Appointment and regulation of truant officers.

Truant officer
to have powers
of peace officer.

(2) A truant officer shall, for the purposes of this Act, be vested with the powers of a peace officer and shall have authority to enter factories, workshops, stores, shops and all other places where children may be employed or congregated, and shall perform such services as may be necessary for the enforcement of this Act. 9 Edw. VII. c. 92, s. 7 (1-2).

Appointments
in townships.

(3) The council of a county or township may annually appoint one or more truant officers who shall have the same powers and perform the same duties as a truant officer in a city, town or village. 9 Edw. VII. c. 92, s. 7 (3); 3-4 Geo. V. c. 70, s. 37.

Township clerk
to notify
boards.

(4) The clerk of the council shall notify the secretary of the board in each school section in the municipality of every appointment of a truant officer with the name and post office address of each officer appointed. 9 Edw. VII. c. 92, s. 7 (4).

When school
board of
section may
appoint.

(5) If both councils neglect to appoint a truant officer before the 1st day of February in any year the board of a school section may appoint a truant officer for the section. 9 Edw. VII. c. 92, s. 7 (5); 3-4 Geo. V. c. 70, s. 38.

In unorganiz-
ed territory.

(6) The board of school trustees of a school section in territory without municipal organization may appoint a truant officer for the section. 1 Geo. V. c. 17, s. 59.

Rules.

(7) The body making the appointment may make rules not inconsistent with the provisions of this Act or the Regulations for the direction of the truant officer.

Notice of
appointment.

(8) Notice of every appointment made under this section shall be given to the inspector within whose inspectorate the truant officer has jurisdiction.

Monthly and
annual reports.

(9) Every truant officer shall report monthly to the body appointing him and annually to the Minister of Education according to the forms prescribed by the Regulations.

Acting under
inspector.

(10) Where the appointing body so directs a truant officer shall perform his duties under the direction of the inspector. 9 Edw. VII. c. 92, s. 7 (6-9).

Truant officers
to investigate
cases of
truancy.

8. Every truant officer shall examine into all cases of truancy within his knowledge or when requested to do so by the inspector or by a school trustee, teacher, other truant officer or ratepayer, and shall warn the truants and their parents or guardians in writing of the consequences of truancy; and shall also notify the parent, guardian or other person having the charge or control of a child between the ages of eight and fourteen years not attending school as required by this Act to cause the child to attend some school forthwith. 9 Edw. VII. c. 92, s. 8.

Conviction
and penalty
for violation
of Act.

9.—(1) A parent, guardian or other person having the charge or control of any child between the ages of eight and

fourteen years who neglects or refuses to cause such child to attend some school, unless such child is excused from attendance as provided by this Act, shall incur a penalty of not less than \$5 nor more than \$20.

(2) The court may instead of imposing a penalty require a person convicted of an offence under this section to give a bond in the penal sum of \$100, with one or more sureties to be approved by the court, conditioned that the person convicted shall after the expiration of five days cause the child to attend some school as required by this Act. 9 Edw. VII. c. 92, s. 9.

Requiring security instead of penalty.

10. Every truant officer shall institute or cause to be instituted proceedings against a parent, guardian or other person having the charge or control of a child, or against any other person violating any of the provisions of this Act. 9 Edw. VII. c. 92, s. 10.

Truant officers to institute proceedings.

11.—(1) The teacher or the principal of every public and separate school shall once in each month of the school year report to the truant officer of the municipality or section in which the school is situate the names, ages and residences of all pupils on the school register who have not attended school as required by this Act, together with such other information as the truant officer may require for enforcing the provisions of this Act.

Teachers to report to truant officer.

(2) The teacher or principal, as the case may be, shall also forthwith report to the truant officer every case of expulsion. 9 Edw. VII. c. 92, s. 11.

Reports.

12. Where any of the provisions of this Act are violated by a corporation proceedings may be had against every officer or agent of the corporation who is a party to such violation, and such officer or agent shall be subject to the same penalties as any other person similarly offending. 9 Edw. VII. c. 92, s. 12.

Violations of Act by corporations.

13. Every person and officer charged with the duty of enforcing any provision of this Act who neglects to perform the duty imposed upon him shall incur a penalty not exceeding \$10 for each offence. 9 Edw. VII. c. 92, s. 13.

Penalty for neglecting to enforce the Act.

14. The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*. 9 Edw. VII. c. 92, s. 14.

Recovery of penalties. Rev. Stat. c. 90.

15. A conviction or order made in any matter arising under this Act shall not be removed either at the instance of the Crown or of any private person into the Supreme Court 9 Edw. VII. c. 92, s. 15.

Convictions not to be removed.

Onus of
proof of
age of child.

16. Where a person is charged with an offence under this Act in respect to a child who is alleged to be within the ages of eight and fourteen years and the child appears to the court to be within such ages the child shall, for the purposes of this Act, be deemed to be within such ages unless the contrary is proved. 9 Edw. VII. c. 92, s. 16.

Children
of separate
school
supporters.

17.—(1) Nothing herein shall be held to require the child of a Roman Catholic who is a separate school supporter to attend a public school or to require the child of a public school supporter to attend a Roman Catholic separate school.

Absence on
holy days
excused.

(2) No penalty shall be imposed in respect to the absence of a child from school on a day regarded as a holy day by the Church or religious denomination to which such child belongs. 9 Edw. VII. c. 92, s. 17.

CHAPTER 275.

An Act respecting the Compulsory School Attendance of Adolescents.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Adolescent School Attendance Act*. 2 Geo. V. c. 77, s. 1. Short title.

2. In this Act,—

(a) “Adolescent” shall mean a young person of either sex who has passed the high school entrance examination or completed the course of the fourth form of the public schools or an equivalent course and is under the age of seventeen years, or who is not less than fourteen nor more than seventeen years of age; Interpretation. “Adolescent.”

(b) “Board” shall mean and include the board of high school trustees or board of education of a city, town or village, an urban board of Public School Trustees and an urban board of Separate School Trustees. 2 Geo. V. c. 77, s. 2. “Board.”

3.—(1) A board may pass by-laws requiring the attendance of adolescents in a city, town or village under the jurisdiction of the board at day or evening classes to be established by the board or at some other classes or school in the municipality. Powers of Board respecting classes for adolescents.

(2) Every such by-law shall be passed at a special meeting of the board called for the purpose of considering the same after public notice of the meeting and of the object thereof has been given once a week for four weeks in some newspaper published in the city, town or village, or if there is no such newspaper, in a newspaper published in an adjoining municipality or in the county or district town. 2 Geo. V. c. 77, s. 3. Special meeting for consideration of by-laws.

4. The by-laws may provide for

(a) the compulsory attendance at classes to be established by the board or at some other school or classes in the municipality of every adolescent who is not otherwise receiving a suitable education or who is not exempt by the by-law; Provisions of by-laws. Compulsory attendance.

Establishment
of classes.

(b) the establishment of day and evening classes for adolescents;

Age of
attendance.

(c) fixing the age, not exceeding seventeen years, for such compulsory attendance;

Courses of
study,—pro-
viding in-
structors.

(d) prescribing courses of study approved by the Minister of Education and providing instructors and teachers for such classes with qualifications approved by the Minister of Education;

Distinguishing
as to sex or
occupation.

(e) special classes for either sex or for both and for those engaged in particular trades or occupations designated in the by-law;

Fixing
times of
compulsory
attendance.

(f) fixing the seasons and the number of hours in each day and in each week for the compulsory attendance required under the by-law. 2 Geo. V. c. 77, s. 4.

When by-law
to be
prepared by
advisory
industrial
committee.
Rev. Stat
c. 276.

5.—(1) In a city, town or village in which schools have been established under section 4 of *The Industrial Education Act* the terms of the by-laws, so far as they relate to adolescents engaged in trades or in industrial or manufacturing occupations, shall be settled by the advisory industrial committee.

When to be
prepared by
advisory
commercial
committee.

(2) In a city, town or village in which there is a commercial high school or in which there is a commercial department in a high school or continuation school the terms of the by-laws, so far as they relate to adolescents engaged as clerks in offices or in any other department of commercial business, shall be settled by the advisory commercial committee. 2 Geo. V. c. 77, s. 5.

When by-law
to come into
force.

6. Every by-law passed under this Act shall come into force at the expiration of thirty days from the passing thereof unless a petition is filed as hereinafter provided praying that it may be submitted to the electors. 2 Geo. V. c. 77, s. 6.

Petition for
submission
of by-law to
electors.

7.—(1) If within thirty days after the passing of a by-law under this Act a petition signed by at least ten per cent. of the municipal electors in the municipality is filed with the clerk of the municipality praying that such by-law shall be submitted, the council shall, at a date not later than the next general municipal election in the municipality, submit the same in the manner provided by *The Municipal Act*, to a vote of the electors of the municipality qualified to vote at municipal elections.

Rev. Stat.
192

By-law if
assented to
to come into
force.

(2) If the by-law receives the assent of the majority of the electors voting thereon the clerk shall certify the result to the chairman of the board and the by-law shall thereupon come into force; but if the by-law does not receive such assent

it shall not come into force and no by-law for the same or a like purpose shall be passed by the board for at least one year thereafter. 2 Geo. V. c. 77, s. 7.

8. In a city, town or village for which there is an advisory industrial committee constituted under *The Industrial Education Act* that committee shall have the control and management of any classes established under a by-law prepared by it as provided in section 5, and in a city, town or village for which there is an advisory commercial committee constituted under *The Industrial Education Act* that committee shall have the control and management of the classes established under a by-law prepared by it as provided by section 5. 2 Geo. V. c. 77, s. 8.

9. No adolescent shall be compellable to attend classes established under this Act if he

- (a) is declared exempt by by-law under this Act; or
- (b) has been granted special exemption by the board or committee having the control or management of the classes which he should otherwise attend; or
- (c) is unable through sickness, infirmity or physical defect to attend such classes; or,
- (d) has obtained a junior high school diploma or the equivalent thereof. 2 Geo. V. c. 77, s. 9.

10. Where a by-law passed under this Act is in force every person who has in his employment any adolescent to whom the by-law applies shall give notice to the board of such employment at such times as the by-law may require, and shall state in such notice the hours during which the adolescent is employed by him. 2 Geo. V. c. 77, s. 10.

11.—(1) Every person who

- (a) fails to give the notice required by section 10; or,
- (b) knowingly employs an adolescent at any time during which his attendance is by the by-law required at classes of instruction; or,
- (c) employs such adolescent for such a number of hours as with the number of hours during which the adolescent is required to attend such classes will exceed in any day or week the number of hours during which such adolescent may be lawfully so employed; or,
- (d) being a parent or guardian of an adolescent has by wilful default or neglect suffered or permitted the employment of the adolescent in violation of any

Control of classes where there is an advisory industrial committee or advisory commercial committee under Rev. Stat. c. 276.

Exemptions from attendance.

Notice by employer of adolescents.

Offences—

by-law passed under this Act, or suffers or permits such adolescent through want of proper care and control to violate any by-law requiring his attendance at such classes

Penalty. shall incur a penalty not exceeding \$5 for the first offence and in the case of a second or subsequent offence in relation to the same adolescent or another adolescent shall incur a penalty not exceeding \$25.

Recovery of. (2) The penalties imposed by this section shall be recover-
Rev. Stat. c. 90. able under *The Ontario Summary Convictions Act*. 2 Geo. V. c. 77, s. 11.

Powers and duties of
truancy officers. 12. For the purpose of enforcing any by-law passed under
Rev. Stat. c. 271. this Act the truancy officer appointed under *The Truancy Act* shall have and may exercise the powers and shall perform the duties conferred and imposed upon him by that Act.
2 Geo. V. c. 77, s. 12.

Roman Catholics. 13.—(1) No by-law passed under this Act shall require the attendance of an adolescent who is a Roman Catholic at any of the classes of a public school.

Absence on holy days. excused. (2) No penalty shall be imposed in respect to the absence of an adolescent from any school or from any classes established under this Act on a day regarded as a holy day by the church or religious denomination to which such adolescent belongs. 2 Geo. V. c. 77, s. 13.

CHAPTER 276.

An Act respecting Education for Industrial Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Industrial Education Act*. Short title.
3-4 Geo. V. c. 73, s. 1.

2. In this Act,

Interpreta-
tion.

(a) "Board" shall mean and include a board of educa- "Board."
tion, and a board of high school trustees;

(b) "Minister" shall mean Minister of Education; "Minister."

(c) "Regulations" shall mean regulations made under "Regula-
the authority of *The Department of Education Act* tions."
or of this Act. 3-4 Geo. V. c. 73, s. 2. Rev. Stat.
c. 265.

3. This Act shall apply to all art, industrial and technical schools and courses, heretofore established under Acts of this Legislature respecting high schools and technical schools and in operation at the time of the passing of this Act; to the art, industrial or technical schools and courses established under this Act; and to agricultural and commercial high schools and high school courses heretofore or hereafter established under the Regulations. 3-4 Geo. V. c. 73, s. 3.

Application
of Act.

SCHOOLS AND COURSES.

4. With the approval of the Minister a high school board Classes of
or a board of education of any city, town or village, may pro- schools
vide for duly admitted pupils in the following classes of which may
schools: be estab-
lished.

(a) general industrial schools and courses for instruc- General
tion in such subjects as may form a basal pre- Industrial
paration for the trades, including work-shop prac- Schools and
tice, with correlated drawing, English, practical Courses.
mathematics and science, and the essential sub-
jects of a good general education;

(b) special industrial schools and courses for instruction Special
in the theoretical and practical work of parti- Industrial
cular trades carried on in the city, town or village, Schools and
Courses.

and, when deemed desirable, in the essential subjects of a good general education;

Technical High Schools and High School Courses.

- (c) technical high schools and high school courses for instruction for minor directive positions in industrial establishments;

Co-operative Industrial Courses.

- (d) part-time co-operative industrial courses in which and under such conditions as may be agreed upon between the employer and the advisory industrial committee, apprentices, whether articulated or not, employed in the work-shops may receive in the day schools instruction bearing upon their trades; and pupils attending the day schools may receive practical instruction in the workshops;

Art Schools and Courses.

- (e) schools and courses for instruction in the fine and applied arts;

Evening Schools for workmen and workwomen.

- (f) industrial, technical and art evening schools in which workmen and workwomen employed during the day may receive theoretical and practical instruction in their trades or callings. 3-4 Geo. V. c. 73, s. 4.

Admission of pupils to schools and courses.

5. (1) Pupils duly admitted under the Regulations to a high school may be admitted to a technical high school or high school course.

Industrial schools.

(2) Subject to the Regulations and on the report of the principal, approved by the advisory industrial committee, pupils of at least the standing of the fourth form of the public and separate schools may be admitted to a general or special industrial school or part-time co-operative industrial course or a school or course for instruction in the fine and applied arts.

Workmen and workwomen employed by day.

(3) Workmen or workwomen employed during the day may be admitted to an industrial, technical or art evening school or course subject to the Regulations and on the report of the principal, approved by the advisory industrial committee, that they are competent to receive instruction therein. 3-4 Geo. V. c. 73, s. 5.

ADVISORY COMMITTEES.

Advisory Industrial Committee, how composed.

6. (1) Every technical school established before the 21st March, 1911, and then in operation, and the schools mentioned in section 4, whether heretofore or hereafter established, shall be under the management and control of a committee composed of eight or twelve persons as the board may direct, the members of which shall be appointed by the board as follows:

- (a) when the number of persons is eight,

- (i) four members of the board including one representative of the board of public school trustees and one representative of the board of separate school trustees, if any;
- (ii) two persons, not members of the board, who are engaged as employees in the manufacturing or other industries carried on in the local municipality or in the county or district in which the school is situate; and
- (iii) two other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing or other industries carried on in the local municipality or in the county or district in which the school is situate:

(b) when the number of persons is twelve,

- (i) six members of the board including one representative of the board of public school trustees and one representative of the board of separate school trustees, if any,
- (ii) three persons, not members of the board, who are engaged as employees in the manufacturing or other industries carried on in the local municipality or in the county or district in which the school is situate, and
- (iii) three other persons, not members of the board, who are employers of labour or directors of companies employing labour in manufacturing or other industries carried on in the local municipality or in the county or district in which the school is situate.

(2) The committee shall be known as the Advisory Industrial Committee. 3-4 Geo. V. c. 73, s. 6. Name of committee.

7.—(1) Where in accordance with the Regulations an agricultural or a commercial high school has been or is hereafter established or an agricultural or a commercial course is established in a high school or a continuation school, such school or course shall be under the management and control of a committee composed of eight persons the members of which shall be appointed by the board as follows:—

- (a) four members of the board including one representative of the board of public school trustees and one representative of the board of separate school trustees, if any;
- (b) four persons who are resident ratepayers of the local municipality or of the county or district in

which the school is situate or the course is established who are not members of the board and who,

(i) in the case of an agricultural high school or commercial course are actually engaged in agricultural pursuits, or

(ii) in the case of a commercial high school or commercial course are actually engaged in commercial pursuits.

Name of committee.

(2) The committee shall be known as the Advisory Agricultural Committee or the Advisory Commercial Committee, as the case may be. 3-4 Geo. V. c. 73, s. 7.

Appointment of members of Committee.

8. (1) The first members of an advisory committee shall be appointed at the meeting of the board at which a school or course is established for which an advisory committee is to be appointed under this Act.

Tenure of office of members who are members of Board.

(2) The members appointed under subclause (i) of clause (a) of subsection 1 of section 6 and subclause (i) of clause (b) of section 6 and clause (a) of subsection 1 of section 7 shall hold office until the expiry of the period for which they were elected or appointed to the board.

Tenure of office of other members.

(3) The term for which the other members of the committee shall respectively hold office shall be fixed by the board but shall not exceed three years.

Filling vacancies caused by retirement.

(4) The board, at its first meeting in each year after the establishment of the school or course, shall appoint a sufficient number of members from each class to fill the vacancies caused by the expiry of the term of office of members appointed from that class.

Filling other vacancies.

(5) Every vacancy upon a committee occasioned by death, removal or other cause shall be filled by the appointment by the Board of some person from the class in which the vacancy occurs, and every person so appointed shall hold office for the unexpired portion of the term of the member whose seat has become vacant.

Quorum.

(6) The presence of a majority of the members constituting a committee shall be a quorum at any meeting, and a vote of the majority of such quorum shall be necessary to bind a committee.

Chairman voting.

(7) On every question other than the election of a chairman the chairman or presiding officer of the committee may vote with the other members of the committee, and any question on which there is an equality of votes shall be deemed to be negatived.

Present members to remain in office.

(8) The members of an advisory committee holding office on the 6th day of May, 1913, shall continue to hold office until their successors are appointed as provided by this Act. 3-4 Geo. V. c. 73, s. 8.

9.—(1) An advisory committee may, at a meeting which has been specially called for that purpose and of which notice has been given in writing to all the members, appoint such additional members, hereinafter called co-opted members, as it may deem advisable, and members of the board may be so appointed; but

Co-opted
members.

(a) in the case of an advisory industrial committee an equal number of the persons so appointed shall be chosen from each of the classes mentioned in subclauses (ii) and (iii) of clauses (a) and (b) of subsection 1 of section 6; and

(b) in all cases the members so appointed shall belong to the classes from which persons not members of the board may be appointed by the board to the committee.

(2) The term for which co-opted members of the committee shall respectively hold office shall be fixed by the committee, but shall not exceed three years. 3-4 Geo. V. c. 73, s. 9.

Tenure of
office.

10. The members of a committee appointed under this Act, including co-opted members, shall be British subjects, and shall be persons who, in the judgment of the board, are specially competent to give advice and other assistance in the management of the school or course under the charge of the committee. 3-4 Geo. V. c. 73, s. 10.

Qualifica-
tion of
members.

11.—(1) Subject to the approval of the Minister and the board, every advisory committee shall have authority to provide a suitable site and building and suitable equipment or to arrange for conducting the school or course in a high, public, separate or continuation school building or other building in the municipality, and to prescribe courses of study and provide for examinations and diplomas.

Powers of
Committee
subject to
approval of
Minister
and Board.

(2) Subject to the approval of the board, the committee shall employ teachers and fix their salaries, report on every school or course under its charge, fix the fees payable by pupils in attendance, submit annually to the board at such date as the board may prescribe an estimate of the amount required to carry on the work of the school or course during the year, and generally do all other things necessary for carrying out the objects and intent of this Act with respect to any school or course under its management and control.

Powers
subject to
approval
of Board.

(3) The board shall not refuse its approval of any report of an advisory committee without having given the committee an opportunity to be heard before the board and before any committee thereof to which such report may be referred by its chairman or by another member of the advisory committee appointed for that purpose.

When
approval
withheld.

Officers
of the
Committee

14. The secretary and other officers of the Board shall be the officers of the advisory committees. 3-4 Geo. V. c. 73, s. 11.

Cost of
establishing,
equipping
and main-
taining a
school, etc.

12.—(1) Subject to the Regulations the estimates of the committee of the cost of establishing, equipping and maintaining the school or course under its management and control, when and so far as they have been approved by the board, shall be included in its estimates submitted to the council of the municipality for the year. 3-4 Geo. V. c. 73, s. 12.

(2) Subject to the Regulations, the cost of establishing and maintaining, and of making additions, alterations or permanent improvements to every school established under section 4 or under chapter 79 of the Acts passed in the 1st year of His Majesty's reign, shall be provided in the same manner as in the case of a High School. See 1 Geo V. c. 79, s. 11.

Apportion-
ment of
Legisla-
ture.

13. Subject to the Regulations the Minister shall apportion all sums of money appropriated by this Legislature for the establishment and maintenance of schools or courses to which this Act applies. 3-4 Geo. V. c. 73, s. 13.

Regulation:

14. The Regulations may provide as to any class of schools or courses for the qualifications of teachers, the courses of study, the character of the site, accommodations, and equipment, the maximum and minimum fees that may be charged to pupils, and generally as to any matter relating to the conduct and efficiency of the schools and courses not herein expressly provided for. 3-4 Geo. V. c. 73, s. 14.

Establish-
ment of
evening
courses.

15. Where an advisory committee and the board of education or the board of public or separate school trustees so agree, evening courses in manual training and household science, art, agriculture or commerce under the charge of the Board shall thereafter be under the control and management of the advisory industrial, agricultural or commercial committee as the case may be. 3-4 Geo. V. c. 73, s. 15.

Establishing
evening
courses in
other
centres.

16. Subject to the approval of the Minister an advisory committee may also establish and conduct special evening courses in any centre in the county outside of the district over which it has jurisdiction. 3-4 Geo. V. c. 73, s. 16.

CHAPTER 277.

An Act respecting the Acquisition of Land for
School Purposes.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. This Act may be cited as *The School Sites Act*. 9 Edw. ^{Short title.}
VII. c. 93, s. 1.

2. In this Act Interpretation.

- (a) "Board" shall mean and include the board of ^{Board.}
trustees of a public school section, the board of
trustees of a union school section, a township
board of school trustees, the board of public school
trustees of a city, town or village, a board of
education, a high school board and an advisory
committee appointed under *The Industrial Educa-* ^{Rev. Stat.}
tion Act. _{c. 276.}
- (b) "County Judge" and "Judge" shall mean the Sen-^{"County}
ior Judge of the County or District Court of the
County or District within which the Board has ^{Judge."}
jurisdiction or, if he is a member of the high
school board or is unable to act or is disqualified,
shall mean the Junior Judge of such County or
District Court, and, if the Junior Judge is also a
member of the Board or is unable to act or is dis-
qualified, shall mean the Judge of the County or
District Court of the adjoining County or District
which has the largest population according to the
last Dominion Census.
- (c) "Owner" shall include a mortgagee, lessee, tenant ^{"Owner."}
and occupant and any person entitled to a limited
estate or interest, and a guardian, executor, admin-
istrator or trustee in whom land or any interest
therein is vested.
- (d) "School site" shall mean the land necessary for a ^{"School}
school house, school garden, teacher's residence, _{site."}
caretaker's residence, drill hall, gymnasium, offices
and play grounds connected therewith, or other
land required for school purposes or for the offices
of a Board. 9 Edw. VII. c. 93, s. 2.

Powers and duties to be subject to regulations. Rev. Stat. c. 265.

3. The powers and duties conferred and imposed upon a Board by this Act shall be subject to the Regulations made under *The Department of Education Act*. 9 Edw. VII. c. 93, s. 3.

Restrictions as to selection in townships.

4.—(1) In a township a school site shall not be selected nor shall an existing school site be enlarged so as to include land which comprises or forms part of or is situate within one hundred yards of an orchard, garden, pleasure-ground or dwelling-house without the consent of the owner of such orchard, garden, pleasure-ground or dwelling-house unless the County Judge, upon the application of the Board and after notice to all persons interested, certifies in writing that other land suitable for the required purpose cannot be obtained.

Exception.

Compensation to owner of orchard, etc.

(2) Where the Judge so certifies the Board shall pay to the owner of the orchard, garden, pleasure-ground or dwelling-house such sum as the Judge, on the application of the owner, shall determine to be a fair compensation for having the school site located within such distance, and the costs of the application shall be in the discretion of the Judge.

Application of section limited.

(3) This section shall not apply to that part of a township which lies within two miles from the limits of a city having a population of over 100,000. 9 Edw. VII. c. 93, s. 4.

Board may purchase or expropriate.

Rev. Stat. c. 266.

5. Subject to the provisions of section 4 and to the provisions of *The Public Schools Act* as to the selection of a site by the Board of a rural school section every Board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the Board declaring that the same is required for a school site or for the enlargement of a school site. 9 Edw. VII. c. 93, s. 5.

Who may sell and convey to Board.

6.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator and every trustee (not only for and on behalf of himself, his heir and successors but also for and on behalf of those he or they may represent, whether married women, infants, unborn issue, lunatics, or idiots), or other person, seized, possessed of or interested in any land may contract for, sell and convey all or part thereof or any interest therein to a Board for a school site or for an enlargement of or addition to a school site; and any contract, agreement, sale, conveyance or assurance so made shall be valid and effectual to all intents and purposes.

Where there is no person who can convey.

(2) Where there is no person who under the provisions of subsection 1 of this section may contract, sell or convey the Supreme Court may on the application of the Board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 of this section and in any proceedings which may be taken under this Act. 9 Edw. VII. c. 93, s. 6.

7. Where the owner and the Board are unable to agree on the compensation to be paid to the owner they may in writing agree that the same shall be determined by one or more arbitrators, and the provisions of *The Arbitration Act* shall apply to the submission and to the arbitration and award thereunder. 9 Edw. VII. c. 93, s. 7.

Voluntary submission to arbitration.

Rev. Stat. c. 65.

8. Where the owner refuses to sell or demands a price deemed unreasonable by the Board, or where no agreement is made for arbitration under the next preceding section, the Board may appoint an arbitrator and give notice in writing of such appointment to the owner, and if the owner does not within ten days thereafter file with the Secretary or Secretary-Treasurer of the Board a notice in writing naming an arbitrator to act for him the County Judge on the application of the Board shall name an arbitrator on behalf of the owner, and the arbitrators so appointed shall appoint a third arbitrator or, if they are unable to agree, the County Judge on the application of either party may appoint such third arbitrator. 9 Edw. VII. c. 93, s. 8.

Where owner refuses to sell or agree to arbitration.

9.—(1) On filing with the County Judge the certificate of an Ontario Land Surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the Judge, if satisfied by affidavit or other evidence, that diligent enquiry has been made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district and may order that notice be also sent to any person by mail or served upon him in such manner as the Judge may direct.

Judge may order notice to be published and mailed.

(2) The notice shall contain a short description of the land and a statement of the readiness of the Board to pay the sum so certified, shall give the name of the person to be appointed as the arbitrator of the Board, and shall state the time within which the offer is to be accepted or an arbitrator appointed by the owner and such other particulars as the Judge may direct.

Contents of notice.

(3) If within the time stated in the notice the owner does not notify the Board of his acceptance of the sum offered or appoint an arbitrator the Judge may on the application of the Board appoint some competent person to be the sole arbitrator.

Appointment of sole arbitrator.

(4) An Ontario Land Surveyor who has given the certificate shall not be named as or appointed an arbitrator. 9 Edw. VII. c. 93, s. 9.

Surveyor giving certificate not to act.

10. The arbitrators appointed under this Act or a majority of them or the sole arbitrator may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect to

Arbitrators may determine claims of encumbrancer, etc.

the land, provided that in such case the claimant or other person has first received ten clear days' notice of the intention to determine his claim or right. 9 Edw. VII. c. 93, s. 10.

Damages
caused by
severance.

11. Where part only of the lot or parcel of land of the owner is required the arbitrators shall include in the compensation the amount which will in their opinion compensate the owner for any damage directly resulting from severance. 9 Edw. VII. c. 93, s. 11.

Right of
desistment.

12.—(1) A notice of intention to acquire land may be desisted from by the board at any time within twenty-one days after the publication of the award by giving written notice to the arbitrators, and the Board in that case shall pay the whole costs of the arbitration.

Not to be
exercised more
than once.

(2) The right of desistment shall not be exercised more than once. 9 Edw. VII. c. 93, s. 12.

Costs of
arbitration.

13. The costs of the arbitration and award shall be in the discretion of the arbitrators, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and they may award any costs to be paid as between solicitor and client. 9 Edw. VII. c. 93, s. 13.

Time within
which award
to be made.

14. The arbitrators shall make their award within three months after entering on the reference or after being called on to act by notice in writing from the Board or the owner or any other person interested, or on or before any later day to which the arbitrators or a majority of them by writing signed by them may from time to time enlarge the time for making the award. 9 Edw. VII. c. 93, s. 14.

Form of
award.

15. The award shall be in writing and, if required by the Board, shall be in duplicate, and shall contain a description of the land sufficient for the purpose of registration, and may be registered in the proper registry office on the affidavit of the Secretary of the Board verifying the same and showing that all money awarded by the arbitrators to be paid by the Board has been duly paid as required or permitted by this Act. 9 Edw. VII. c. 93, s. 15.

Registration.

Award to be
good title.

16. Upon such registration the land shall be vested in the Board, and the award shall be a good title thereto against all persons whomsoever. 9 Edw. VII. c. 93, s. 16.

Compensation
to be paid
within thirty
days.

17.—(1) Every sum awarded to be paid as compensation shall be paid within thirty days after the publication of the award.

Payment into
court.

(2) Where the person entitled thereto is absent or where for any other reason payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in

doubt, or if for any other reason the Board deems it advisable the Board may pay the sum awarded or any part thereof into the Supreme Court with six months' interest thereon. 9 Edw. VII. c. 93, s. 17.

18. The compensation for any land which is taken without the consent of the owner shall stand in the stead of the land; and any claim to or incumbrance upon such land, or any part thereof, shall, as against the Board, be converted into a claim to the compensation or to a like proportion thereof and it shall be responsible accordingly whenever it has paid the compensation, or any part thereof, to a person not entitled to receive the same, saving always its recourse against such person. 9 Edw. VII. c. 93, s. 18.

19. An award shall not be deemed invalid or be set aside because of failure to comply with any of the provisions of this Act unless in the opinion of the tribunal before which the award is called in question the same will cause substantial injustice to some person affected thereby. 9 Edw. VII. c. 93, s. 19.

20.—(1) Any question touching the validity of proceedings taken, or an award made under this Act, or, in the case of arbitrations other than those provided for in section 7, as to the compensation awarded shall be raised, heard and determined upon a summary application by way of appeal to the County Judge and not otherwise.

(2) No such appeal shall lie unless one of the parties has required the evidence to be taken down in writing in which case it shall be the duty of the arbitrators so to do.

(3) The decision of the Judge shall be final unless special leave to appeal therefrom is given by a Judge of the Supreme Court, and if such leave is given an appeal shall lie to a Divisional Court and the decision of the Divisional Court shall be final. 9 Edw. VII. c. 93, s. 20.

21. Except as herein otherwise provided the provisions of *The Arbitration Act* as to procedure upon a reference to arbitration, including the summoning and calling of witnesses, the hearing of evidence and the production of books, papers, documents and things, and the powers and duties of arbitrators shall apply to every arbitration under the provisions of this Act. 9 Edw. VII. c. 93, s. 21.

CHAPTER 278.

An Act respecting Conveyances to Trustees for School Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

short title.

1. This Act may be cited as *The School Trust Conveyances Act*.

conveyance
of property
for school sites
to trustees.

2. Where persons, residing in Ontario, interested in any school established in any city, town, village or township therein whether as parents of children frequenting such schools, or as contributors to the same, or both, have occasion, or are desirous to take a conveyance of real property for the use of such schools, such persons may elect from among themselves, and appoint trustees, not exceeding seven nor less than five in number, to whom and to whose successors, to be appointed in the manner specified in the deed of conveyance, the real property requisite for such school may be conveyed. R.S.O. 1897, c. 295, s. 1.

Powers of
trustees to
hold

3.—(1) Such trustees and their successors in perpetual succession, by the name expressed in such deed, may take, hold and possess such real property, and bring and maintain any action for the protection thereof, and of their right thereto; but there shall not be so held in trust more than ten acres of land at any time for any one school.

(2) This section shall not extend to public schools. R.S.O. 1897, c. 295, s. 2.

registration
of deed.

4. The trustees shall, within twelve months after the execution of any such deed, cause the same to be registered in the registry office of the registry division in which the land lies. R.S.O. 1897, c. 295, s. 3.

CHAPTER 279.

An Act respecting the University of Toronto.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

INTERPRETATION AND GENERAL PROVISIONS.

1. This Act may be cited as *The University Act.*, 6 Edw. Short title.
VII. c. 55, s. 1.

2. In this Act,

Interpretation.

(a) "Appointed members" shall mean the members of the Board appointed by the Lieutenant-Governor in Council; ^{"Appointed members."}

(b) "Board" shall mean Governors of the University of Toronto; ^{"The Board."}

(c) "College" shall include a school or other institution of learning; ^{"College."}

(d) "Head," when it refers to the head of a federated university or of a federated college, shall mean the person who is or is certified by the governing body of such university or college to be the head thereof; ^{"Head."}

(e) "Property" shall include real property and all other property of every nature and kind; ^{"Property."}

(f) "Real property" shall include messuages, lands, tenements and hereditaments whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein; ^{"Real property."}

(g) "Teaching staff" shall include professors, associate professors, lecturers, instructors, demonstrators and all others engaged in the work of teaching or giving instruction; ^{"Teaching staff."}

(h) "Trinity College" shall mean Trinity College as established and incorporated by the Act passed in the 14th and 15th years of the reign of Her late Majesty, Queen Victoria, chaptered 32, and as constituted a University by Royal Charter bearing date the sixteenth day of July, 1853; ^{"Trinity College."}

"The University."

(i) "University" shall mean University of Toronto.
6 Edw. VII. c. 55, s. 2.

University,
University College,
Senate, Faculties,
etc., continued.

3. The Provincial University, known as the University of Toronto, the Provincial College, known as University College, the Senate, Convocation, the several faculties of the University and the Faculty of University College, are and each of them is hereby continued, and, subject to the provisions of this Act, shall respectively have, hold, possess and enjoy all the property, rights, powers and privileges which they respectively now have, hold, possess or enjoy. 6 Edw. VII. c. 55, s. 3.

Appointments,
senior and
junior,
continued.

4. All appointments in and statutes and regulations affecting the University and University College and each of them shall continue, subject to the provisions of this Act, and subject also, as to the teaching staff, and all officers, servants and employees, to their removal by the Board. 6 Edw. VII. c. 55, s. 4.

Proclamation
changing name
of University.

5. — (1) If and when a proclamation to that effect is issued by the Lieutenant-Governor in Council, the name of the University shall be changed to and the University shall be known as "The University of Ontario" from and after such date as shall be named in the proclamation for the change taking effect.

When proclamation may be issued.

(2) The proclamation shall not be issued unless and until a statute of the Senate approving of the change has been passed by the vote of at least three-fourths of the members thereof present at a meeting called for the purpose of considering the question of making such change and unless and until the change has been sanctioned by the Board. 6 Edw. VII. c. 55, s. 5.

School of Practical Science,
Senior Faculty
of Applied
Science, etc.

6.—(1) Whenever in any Act or document reference is made to the School of Practical Science, the same shall apply and extend to the Faculty of Applied Science and Engineering.

Money expended by
Board in maintenance
of such faculty.

(2) All money expended by the Board in the maintenance of the faculty shall for the purposes and within the meaning of the agreement bearing date the second day of March, 1889, between Her late Majesty, Queen Victoria, and the Corporation of the City of Toronto, be deemed to be money expended by "Her Majesty and Her Successors acting by and through the Executive Council of the Province of Ontario." 6 Edw. VII. c. 55, s. 6, *part*.

FEDERATED AND AFFILIATED INSTITUTIONS.

Universities
and colleges
federated or
affiliated.

7.—(1) Every university and every college federated with the University and every college affiliated with the University shall continue to be so federated or affiliated, subject to any statute in that behalf and to this Act.

(2) A college affiliated with a federated university at the time of its federation with the University, whether heretofore or hereafter entered into, shall be deemed to be affiliated with the University. Colleges affiliated with federated University.

(3) The following are declared to be the universities federated with the University, that is to say, Victoria University and Trinity College. Victoria and Trinity.

(4) The following are declared to be the colleges federated with the University, that is to say, Knox College, Wycliffe College and St. Michael's College. Knox, Wycliffe and St. Michael's. 6 Edw. VII. c. 55, s. 7 (1-4).

(5) The following are declared to be the colleges affiliated with the University, that is to say: Albert College, The Ontario Agricultural College, The Ontario Medical College for Women, The Royal College of Dental Surgeons, The Toronto College of Music, The Ontario College of Pharmacy, The Toronto Conservatory of Music, The Hamilton Conservatory of Music, The Columbian Methodist College, and The Ontario Veterinary College; The Ontario Ladies' College and Alma College, which are affiliated with the University by reason of their having been affiliated with Victoria University when that University became federated with the University, and St. Hilda's College, which is affiliated with the University by reason of its having been affiliated with Trinity College when Trinity College became federated with the University. 6 Edw. VII. c. 55, s. 7 (5); 3-4 Geo. V. c. 74, s. 1. Affiliated colleges.

(6) A college affiliated with the University since the 15th day of April, 1901, or hereafter affiliated with it shall not be entitled to representation on the Senate unless so declared by statute. Affiliated colleges, when to be represented in Senate.

(7) The Senate may remove from federation or affiliation with the University any college, now or hereafter federated or affiliated with it, which becomes an integral part of or federates or affiliates with any other university which has and exercises the powers of conferring any degrees other than those in theology. Removal of college from federation or affiliation.

(8) If and when any university now or hereafter federated with the University ceases to be federated with it, every college which is affiliated with the University by reason only of its having been affiliated with such federated university shall thereupon and thereafter cease to be affiliated with the University, but shall retain the same relation with the federated university with which it was affiliated as existed when such federated university became federated with the University. 6 Edw. VII. c. 55, s. 7 (6-8). Colleges affiliated with federated university to cease to be affiliated with university on dissolution of federation.

(9) The Arts faculties of Victoria University, Trinity College and St. Michael's College in their relation to the Arts faculties of Victoria, Trinity and St. Michael's.

University shall be known as and may be called colleges of the University bearing respectively as such colleges the names Victoria College, Trinity College and St. Michael's College. 6 Edw. VII. c. 55, s. 7 (9).

Admission of
universities to
federation.

8.—(1) When any University in Ontario determines to surrender its degree-conferring powers, except the power of conferring degrees in theology, and notifies the Board of such determination, the Board may by statute declare such university to be federated with the University on and from a day to be named in the statute, and thereupon and thereafter the power of such federated university to confer degrees, except in theology, shall be suspended.

Publication of
statute.

(2) Every such statute shall be published forthwith after the passing thereof in the *Ontario Gazette*.

Resumption of
degree-conferring
powers of
the federated
university.

Proviso.

(3) The power and authority of conferring degrees, except in theology, of any university now or hereafter federated with the University shall be suspended and in abeyance, but may be resumed by such federated university if three years have elapsed from the date when its federation with the University took effect, and if after the lapse of such three years one year's notice in writing of its intention to resume its degree-conferring powers has been given to the Board; and such federated university shall cease to be federated with the University at and after the expiry of the last mentioned period.

Notice of
cessation of
federation.

(4) Notice that any such federated university has ceased to be federated with the University and the date when it ceased to be so federated shall be published in the *Ontario Gazette*.

Students of
federated
university
and law of a
federated
university.

(5) The graduates and undergraduates in Arts, Science and Law of a federated university and such graduates and undergraduates thereof in Medicine as have passed their examinations in Ontario, so long as such federation continues, shall have and enjoy the same degrees, honours and status in the University as they held and enjoyed in the federated university. 6 Edw. VII. c. 55, s. 8.

Religious
test
not
required.

9.—(1) No religious test shall be required of any professor, lecturer, teacher, officer or servant of the University or of University College, or of any student thereof or therein, nor shall religious observances according to the forms of any religious denomination or sect be imposed on them or any of them, but the Board may make regulations touching the moral conduct of the students thereof and therein and their attendance on public worship in their respective churches or other places of religious worship and their religious instruction by their respective ministers, according to their respective forms of religious faith, and every requisite facility shall be afforded for such purposes, but attendance on such forms

Attendance
on public
worship.

of religious observance shall not be compulsory on any student attending the University or University College.

(2) Nothing in this section shall interfere with the right of a federated university or college to make such provision in regard to religious instruction and religious worship for its own students as it may deem proper, and to require the same to be observed as a part of its own discipline. Rights of federated universities and colleges as to religion.

6 Edw. VII. c. 55, s. 9.

PROPERTY.

10.—(1) Separate accounts of the proceeds of the sales of the lands set apart for the use of the University and University College or either of them by the Act passed in the 60th year of the reign of Her late Majesty, Queen Victoria, chaptered 59, and by the Act passed in the third year of the reign of His late Majesty King Edward the Seventh, chaptered 36, as amended by the Act passed in the 5th year of the same reign, chaptered 36, and by the Act passed in the last mentioned year chaptered 37, shall continue to be kept by the proper officers and departments and yearly accounts thereof to be furnished to the Board, as provided in those Acts, and all money derived from such sales shall be paid to the Board free from all charges or deductions for management or otherwise. Accounts of proceeds of sales of lands set apart for University and University College.

(2) The repeal of the Acts and parts of Acts mentioned in subsection 1 shall not affect or impair the right of the University and University College or either of them to have the lands mentioned therein set apart in accordance with and subject to the provisions thereof. 6 Edw. VII. c. 55, s. 10. Rights of university as to such lands preserved.

(3) The annual grant of \$7,000, provided for by the first mentioned Act, shall continue to be paid to the Board as provided therein, and the same shall form a charge upon and be paid from time to time out of the Consolidated Revenue Fund. 6 Edw. VII. c. 55, s. 11. Annual grant of \$7,000 continued.

11. All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University and University College or either of them or of any faculty or department thereof or otherwise in connection therewith, subject always to the trust affecting the same, shall be vested in the Board. 6 Edw. VII. c. 55, s. 12. Property vested in trustees transferred to Board.

12. The land demised to the Corporation of the City of Toronto for the purpose of a park under the authority of section 66 of chapter 62 of the Consolidated Statutes of Upper Canada shall, so long as the lease remains in force, form part of the City of Toronto and the residue of the land adjacent to the park which is vested in the Board, shall be Queen's Park.

subject to the police regulations of the corporation and the council thereof and except as herein otherwise provided to the by-laws thereof. 6 Edw. VII. c. 55, s. 14.

Application of
section of
Act, 1891, as
to property.

13. All real property vested in the Board shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. 6 Edw. VII. c. 55, s. 15.

Section 14 of
Act, 1891, as
to property
vested in the
University and
University College.

14. The dedication heretofore by the Crown for any purpose of any real property held for the purposes of the University and University College or either of them has not taken away from such real property any rights or privileges which it enjoyed as Crown lands or prejudicially affected the same, but all such rights and privileges remain in full force and effect. 6 Edw. VII. c. 55, s. 16.

Land vested
in the Board
shall not be
liable to expropriation.

15.—(1) The real property vested in the Board shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose; and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Nor land
vested in the
Board be liable.

(2) Subsection 1 shall apply to real property owned by or vested in any university or college federated with the University. 6 Edw. VII. c. 55, s. 17.

Exemption from
taxation.

16.—(1) The property real and personal vested in the Board shall not be liable to taxation for provincial, municipal or school purposes, and shall be exempt from every description of taxation; but except as mentioned in subsection 2 the interest of every lessee and occupant of real property vested in the Board shall be liable to taxation.

Lessees, etc.,
liable.

(2) The liability to taxation of the interest of a lessee or occupant mentioned in this section shall not extend to the interest of a lessee or occupant being a member of the teaching staff or an officer or servant of the University or of University College who, or being an association of under-graduates or an incorporated society of under-graduates or of graduates and under-graduates which, is the lessee or occupant of any part of the property commonly known as the University Park, composed of the north halves of Park lots numbers eleven, twelve and thirteen in the first concession from the Bay, in the Township of York, now in the City of Toronto, and including that part of park lot number fourteen in the first concession, described in a conveyance to Her late Majesty Queen Victoria, registered as number 8654R in the registry office of the eastern division of the City of Toronto, but the interest of every such lessee or occupant shall be exempt from taxation.

Lessees or
occupants of
real property
vested in the
Board.

(3) Those parts of the lots mentioned in subsection 2 which are now or hereafter may be owned, leased or occupied by any federated university or federated college for the purposes of such university or college shall also be exempt from taxation in the same way and to the same extent as the real property vested in the Board is by subsection 1 exempted from taxation. 6 Edw. VII. c. 55, s. 18.

Certain land of federated bodies also exempt.

17. Any person with the approval of the Board may, under and subject to such terms and conditions as he may prescribe, endow a chair or found a scholarship in the University or University College, or aid the University and University College and each of them by providing an endowment for any other purpose or object in connection therewith. 6 Edw. VII. c. 55, s. 19.

Endowment of chairs or scholarships.

BOARD OF GOVERNORS.

18. The Board of Governors of the University and University College is continued as a body corporate by the name and style of "The Governors of the University of Toronto," and shall have in addition to the rights, powers and privileges mentioned in section 27 of *The Interpretation Act*, the power to take and hold real property for the purposes of the University and of University College without license in mortmain. 6 Edw. VII. c. 55, ss. 20 and 21.

Board of Governors.

Rev. Stat. c. 1.

19. The Board shall consist of the Chancellor and the President of the University, who shall be *ex officio* members, and twenty-two persons appointed by the Lieutenant-Governor in Council. 6 Edw. VII. c. 55, s. 24; 3-4 Geo. V. c. 74, s. 3.

Composition of Board.

20. No person shall be eligible for appointment as a member of the Board unless he is a British subject, and a resident of Ontario. 6 Edw. VII. c. 55, s. 25.

Disqualifications.

21. One of the members of the Board shall be appointed by the Lieutenant-Governor in Council to be its Chairman. 6 Edw. VII. c. 55, s. 26.

Chairman.

22.—(1) The Board may appoint one of its members to be Vice-Chairman, and in case of the absence or illness of the Chairman, or of there being a vacancy in the office of Chairman, the Vice-Chairman shall act as and have all the powers of the Chairman.

Appointment of Vice-Chairman.

(2) In case of the absence or illness of the Chairman, and the Vice-Chairman, the Board may appoint one of its members to act as Chairman *pro tempore* and the member so appointed shall act as and have all the powers of the Chairman.

Chairman pro tempore.

Validity of
their acts.

(3) All acts which lawfully might have been done by the Chairman, when done by the acting Vice-Chairman, or by a Chairman *pro tempore* shall be conclusively deemed to have been lawfully done, and it shall not be necessary to prove that any of the causes mentioned in subsection 1 for the Vice-Chairman acting, or that any of the causes mentioned in subsection 2 for the appointment of a Chairman *pro tempore* in fact existed. 7 Edw. VII. c. 53, s. 2.

Quorum.

23. Unless and until otherwise provided by the Board, seven members shall constitute a quorum. 6 Edw. VII. c. 55, s. 28.

Ten members
may exercise
powers.

24. Notwithstanding any vacancy in the Board, as long as there are at least ten members it shall be competent for the Board to exercise all or any of its powers. 6 Edw. VII. c. 55, s. 29.

Term of office.

25. The appointed members of the Board shall hold office for six years, and until their successors are appointed. 6 Edw. VII. c. 55, s. 30, 31.

Members may
be re-appointed.

26. An appointed member of the Board shall be eligible for re-appointment. 6 Edw. VII. c. 55, s. 32.

Removal from
office.

27. An appointed member of the Board may be removed by the Lieutenant-Governor in Council. 6 Edw. VII. c. 55, s. 33.

Heads of
federated
universities,
etc., ineligible.

28.—(1) The head of University College, the head of a federated university, or of a federated or an affiliated college, a member of the teaching staff of the University, of University College, of a federated university, or of a federated or affiliated college, shall not be eligible to be appointed as a member of the Board. 6 Edw. VII. c. 55, s. 34.

Vacancies.

(2) If a member of the Board, after his appointment, accepts or occupies any of such offices or positions, or goes to reside out of Ontario, or becomes insane or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office, and a declaration of the existence of such vacancy entered upon the minutes of the Board shall be conclusive evidence thereof. 6 Edw. VII. c. 55, s. 35.

When
vacancy.

29. Where a vacancy on the Board happens before the term of office for which a member has been appointed has expired, the vacancy shall be filled by the appointment by the Lieutenant-Governor in Council of a successor, who shall hold office for the remainder of the term. 6 Edw. VII. c. 55, s. 36.

Government,
etc., of Univer-
sity vested in
Board.

30. The government, conduct, management and control of the University and of University College, and of the property, revenues, business and affairs thereof, shall be vested in the Board. 6 Edw. VII. c. 55, s. 37.

31.—(1) In order to enable the Board to provide for the purchase of such land, and the erection of such buildings as from time to time may be necessary for the purposes of the University and University College, including additions to, improvements of, and equipment for buildings now or hereafter erected, the Board may from time to time borrow such sums, not exceeding in the whole \$2,000,000, as may be necessary for such purposes, and may make and execute such instruments as may be deemed requisite for securing payment of the sums so borrowed, and the interest thereon.

Borrowing
powers of
Board

(2) The sums so borrowed and the interest thereon shall stand and be charged upon all the property vested in, and the revenues and income of the Board, and it shall not be necessary that any formal instrument declaring such charge shall be executed or registered.

Money borrow-
ed to be
charge on
property.

(3) The power of borrowing hereby conferred shall not be exercised unless with the approval of the Lieutenant-Governor in Council, who may prescribe the terms and conditions on which from time to time the power shall be exercised and the money borrowed, and the nature of the securities to be given by the Board for the repayment of the money borrowed and of the interest thereon, which may be bonds, debentures, terminable annuities or such other form of security as the Lieutenant-Governor in Council may direct or authorize.

Approval of
Lieutenant-
Governor in
Council.

(4) The power of borrowing hereby conferred shall be a continuing one, and shall include the power of reborrowing, but the amount of the principal money at any time owing shall not exceed in the whole \$2,000,000.

Borrowing
powers exer-
cisable from
time to time.

(5) The Lieutenant-Governor in Council for and in the name of the Province of Ontario may guarantee the securities for all sums borrowed by the Board under the authority of this section, and the performance of the stipulations on its part contained in such securities.

Lieutenant-
Governor in
Council may
guarantee
loans.

(6) The form and manner of the guaranty shall be determined by the Lieutenant-Governor in Council and the guaranty shall be signed by the Treasurer of Ontario or by such officer or person as shall be designated for that purpose by the Lieutenant-Governor in Council.

Form of
guaranty.

(7) Every guaranty so signed shall be binding on the Province and the purchaser of any security so guaranteed shall not be bound to inquire into the authority of the officer or person signing the guaranty. 7 Edw. VII. c. 53, ss. 5-10.

32. Without thereby limiting the general powers by this Act conferred upon or vested in the Board, it is declared that the Board shall have power to

Powers of
Board.

(a) make rules and regulations pertaining to the meetings of the Board and its transactions, for fixing

Conduct of
proceedings.

the quorum of the Board, and for the appointment of such committees as it may deem necessary, and for conferring upon any of such committees power and authority to act for the Board in and in relation to such matters as the Board may deem it expedient to delegate to a committee with power to act for the Board;

Appointment
of President,
Deans, Profes-
sors, etc.

- (b) appoint the President of the University, the Principal of University College, the Deans of all the faculties, the Librarian, the Bursar, the Registrar of the University, the Registrar of University College, the professors, teachers and instructors of and in the University and in University College, and all such officers, clerks, employees and servants as the Board may deem necessary for the purposes of the University and University College or either of them, and fix their salaries or remuneration, and define their duties, except those of the Librarian, and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the Board;

Appointments
to be approved
by the
President.

- (i) No person shall be appointed as Principal of University College, or as a Dean of any faculty, or as a member of the teaching staff of the University, or of any faculty thereof or of University College, unless he has been first nominated by the President of the University and no Dean of a faculty or member of the teaching staff of the University or of any faculty thereof, or of University College, shall be promoted, and no principal of University College or Dean of a faculty or member of such teaching staff shall be removed from office except upon the recommendation of the President of the University, but this provision shall not apply where there is a vacancy in the office of President.

Superannua-
tion and
retirement.

- (c) make regulations respecting and provide for the retirement and superannuation of any of the persons mentioned in subsection 2, or the payment of a gratuity to any of them upon retirement, and provide that any superannuation or retiring allowance or gratuity shall be paid out of a fund which may be created for that purpose either with the money of the Board or by contributions from such persons, or partly by both;

Investments.

- (d) subject to the limitations imposed by any trust as to the same, invest all such money as shall come to the hands of the Board, and is not required to be expended for any purpose to which it law-

fully may be applied, in such manner as to the Board may seem meet;

- (e) purchase, take and hold by gift or devise real property for the purposes of the University and University College, or either of them, without license in mortmain; Acquiring and holding real property.

- (i) Every person shall have the unrestricted right to devise and bequeath property, real and personal, for the purposes of the University and University College, or either of them, to the Board, or otherwise for such purposes.

- (f) purchase and acquire all such property as the Board may deem necessary for the purposes of the University and University College, or either of them; Acquiring other property.

- (i) The power conferred by this paragraph shall include that of purchasing the interest of a lessee in any real property vested in the Board which is under lease. 6 Edw. VII. c. 55, s. 39 (1-6).

- (g) without the consent of the owner or of any person interested therein enter upon, take, use and appropriate all such real property as the Board may deem necessary for the purposes of the University and University College, or either of them, or of any other university or college federated with the University at the cost and expense of such federated university or college, making due compensation for any such real property to the owners and occupiers thereof, and all persons having any interest therein; 6 Edw. VII. c. 55, s. 39 (7); 10 Edw. VII. c. 26, s. 15. Expropriation of lands.

- (i) The provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation, shall *mutatis mutandis* apply to the Board, and to the exercise by it of the powers conferred by this paragraph, and where any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the Bursar of the University, or at his office, as the case may be. 6 Edw. VII. c. 55, s. 39 (8); 3-4 Geo. V. c. 74, s. 4. Rev. Stat. c. 192.

- (h) acquire, hold, maintain and keep in proper order and condition such real property as the Board may deem necessary for the use of the students Acquiring and maintaining real property for athletic purposes.

of the University and University College, and each of them, for athletic purposes, and erect and maintain such buildings and structures thereon as it may deem necessary;

Physical
training.

- (i) make such regulations and provide such means for the physical examination, instruction and training of the students of the University and University College as to the Board may seem meet;

Selling and
leasing lands.

- (j) sell any of the real property vested in the Board or lease the same for any period not exceeding twenty-one years to commence in possession, with such right of renewal and under and subject to such rents, covenants, agreements and conditions as to the Board may seem meet;

Expenditure of
funds in main-
tenance and
improvements.

- (k) lay out and expend such sums as the Board may deem necessary for the support and maintenance of the University and University College, and each of them, and for the betterment of existing buildings, and the erection of such new buildings as the Board may deem necessary for the use or purposes of the University and University College, and of each of them, and for the furnishing and equipment of such existing and newly erected buildings;

Residences and
dining halls,
etc.

- (l) lay out and expend such sums as the Board may deem necessary for the erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students of the University and University College, and of each of them, whether such students are graduates or undergraduates, and acquire and take over from any corporation any rights and powers possessed by it in respect of University residences and any property vested in it, on such terms as may be agreed on between such corporation and the Board;

- (i) Such corporation may enter into and carry out any agreement for such purposes, and upon the agreement being completed such corporation shall, if so provided by the terms of the agreement, be dissolved, and its rights, powers and property be vested in the Board.

Control of resi-
dences, etc.

- (m) make such rules and regulations as may to the Board seem meet for the management, government and control of such residences and dining halls;

Establishing
faculties, de-
partments, etc.

- (n) establish such faculties, departments, chairs and courses of instruction in the University, and such

departments, chairs and courses of instruction in University College in any subject except theology, as to the Board may seem meet;

- (o) provide for the federation with the University of Federation of colleges. any college established in Ontario for the promotion of Art or Science, or for instruction in Law, Medicine, Engineering, Agriculture or any other useful branch of learning, on such terms as to representation on the Senate, and otherwise, as to the Board may seem meet, and enter into any agreement which may be deemed necessary to effectuate such federation;
- (p) provide for the affiliation with the University of Affiliation of colleges. any college established in Canada for the promotion of Art or Science, or for instruction in Law, Medicine, Engineering, Agriculture or any other useful branch of learning, on such terms as to representation on the Senate and otherwise as to the Board may seem meet, and enter into any agreement which may be deemed necessary to effectuate such affiliation;
- (q) provide for the dissolution of any such affiliation Dissolution of affiliation. or of any existing affiliation or for the modification or alteration of the terms thereof;
- (r) fix the fees to be paid for post-graduate instruction, Fees. and for instruction in the faculties of medicine and applied science and engineering, and in any other faculty hereafter established, the fees to be paid by regular and occasional students in the University and in University College for enrolment therein, the library fees, the laboratory fees, the gymnasium fees, the fees for physical examination and instruction, and the fees for examinations, degrees and certificates, and when a federated college by arrangement with the proper authorities teaches any part of the course in Arts, make such a reduction in the fees, payable by the students so taught in such college as to the Board may seem reasonable;
- (s) enter into such arrangements with the governing Arrangements with secondary and primary schools. body of any secondary or primary school as the Board may deem necessary for the purpose of or in connection with the academic work of the University or of any faculty or department thereof;
 - (i) The governing body of any such school which is a collegiate institute, a high school, a technical school or public or separate school, may, with the approval of the Lieutenant-

Governor in Council, make such arrangements with the Board. 6 Edw. VII. c. 55, s. 39 (9-20); and

- (t) establish, erect, equip, maintain and conduct such primary and secondary schools as may be deemed requisite for the purpose of practice and observation or otherwise for or in connection with the Faculty of Education, and fix the fees to be paid for instruction in such schools. 7 Edw. VII. c. 53, s. 3.

Alterations to
constituted
bodies.

33. The Board may modify, alter and change the constitution of any body constituted or continued by this Act, except the Senate, and create such new bodies as may be deemed necessary for the purpose of carrying out the objects and provisions of this Act, and also confer upon the bodies constituted or continued by this Act, or any or either of them, and upon any new body hereafter constituted, such powers as to the Board may seem meet, but nothing herein shall authorize any abridgement of the powers conferred upon the Senate by section 48. 6 Edw. VII. c. 55, s. 40.

Committee of
students.

34. (1) The Board may make provision for enabling the students of the University, University College and the federated universities and federated colleges to appoint a representative committee of themselves to be chosen in such manner as shall be approved by the Board, which shall be the recognized official medium of communication on behalf of such students between them and the Board.

Right to make
communications
through the
President.

(2) The committee shall have the right to make communications through the President of the University to the Board upon any subject in which they are or may deem themselves to be interested.

Same
individual
rights.

(3) Nothing herein shall take away or impair the right of any student of or in the University or University College to make complaint to the governing bodies thereof or to the Board in respect of any matter as to which he is or may deem himself to be entitled to complain; but every such complaint shall be transmitted through the President to the Board or to the proper governing body, as the case may be, and in no other manner.

Saving control
of federated
bodies.

(4) Nothing in this section shall impair or affect the right of control which any federated university or college possesses over its students. 6 Edw. VII. c. 55, s. 41.

Endowment
not to be
impaired without
consent of
Governor in Council.

35. (1) The Board shall not incur any liability or make any expenditure which has the effect of impairing the endowment of the University and University College, or any addition to such endowment hereafter made, unless an estimate therefor has been first made and approved by the Lieutenant-Governor in Council.

(2) In this section "endowment" shall mean and include ^{"Endowment, meaning of.} the real property vested in the Board, the proceeds of any part thereof sold, and the money invested in mortgages or other securities.

36. The Board shall not incur any liability or make any ^{Restriction as to expenditure} expenditure for the purchase of land or the erection of buildings unless the same can be met and is provided for out of the income of the year, or is sanctioned by the Lieutenant-Governor in Council. 6 Edw. VII. c. 55, s. 42.

37. Save as in this Act otherwise expressly provided, the ^{Action of Board by resolution or statute.} action of the Board in any matter with which it may deal shall be by resolution or by statute, as the Board may determine, but it shall not be essential to the validity of any such resolution or statute that it be under the corporate seal of the Board if it is authenticated in the manner prescribed by the Board. 6 Edw. VII. c. 55, s. 43.

38.—(1) The accounts of the Board shall be audited at ^{Accounts of Board, audit of} least once a year by the Provincial Auditor, or by some person appointed by the Lieutenant-Governor in Council for that purpose.

(2) The Board shall make an annual report of its trans- ^{Annual report to Government} actions to the Lieutenant-Governor in Council, in which shall be set forth in detail the receipts and expenditures for the year ended on the next preceding thirtieth day of June, and of the investments as they stood at the end of such year, and such other particulars as the Lieutenant-Governor in Council may from time to time require. 6 Edw. VII. c. 55, s. 44 (1) (2).

(3) The report shall be transmitted to the Provincial ^{When report to be transmitted} Secretary on or before the first day of December next after the close of the year for which it is made, and shall be laid before the Assembly forthwith if the Assembly is then in session or if it is not then in session, within ten days after the commencement of the next session. 6 Edw. VII. c. 55, s. 44 (3); 3-4 Geo. V. c. 74, s. 5.

39. Without the written consent of the Attorney-General ^{Consent of Attorney-General to actions against Board} no action shall be brought against the Board or against any member of it on account of anything done or omitted by him in the execution of his office. 6 Edw. VII. c. 55, s. 45.

40. If any question arises as to the powers or duties ^{Powers of Board as to deciding questions as to powers and duties.} of the Council of University College, of the council of any faculty, of the Caput, of the President, of the Principal of University College, or of any officer or servant of the University or of University College, the same shall be settled and determined by the Board, whose decision shall be final. 6 Edw. VII. c. 55, s. 46.

THE SENATE.

—also Law
composed.

41. The Senate of the University shall be composed as follows:

—University
and heads of
colleges, etc.

(a) The Chancellor of the University, the Chairman of the Board, the President of the University, the Principal of University College, the President or other head of every federated university and federated college, the Deans of the faculties of the University, and all persons who at any time have occupied the office of Chancellor or Vice-Chancellor of the University or for the period of seven years have occupied the office of President of the University shall be *ex-officio* members. 6 Edw. VII. c. 55, s. 47 (1); 7 Edw. VII. c. 52, s. 4.

Faculties,
representa-
tion of.

(b) The Faculties shall be entitled to representation as follows:

The Faculty of Arts of the University by the professors (not including associate professors) of the faculty, each of whom shall be a member of the Senate;

The Faculty of Medicine by five members;

The Faculty of Applied Science and Engineering by five members;

The Faculty of University College by three members;

The Faculty of Arts of Victoria University by three members;

The Faculty of Arts of Trinity College by three members; and

The Faculty of Arts of every university hereafter federated with the University by three members;

(i) The representatives of the Faculties of the University, except of the Faculty of Arts, and the representatives of the Faculty of University College and of the Faculties of Arts of the federated universities shall be chosen by the members thereof.

Federated
universities
and colleges
not affiliated
with the
University of
Toronto.

(c) One member shall be appointed by each federated university, two members shall be appointed by each federated college, one member shall be appointed by the Law Society of Upper Canada, and subject to any statute, one member shall be appointed by the governing body of every affiliated college which now is or shall hereafter be entitled to appoint a representative;

Graduates,
representation
of.

(d) Twelve members shall be elected by the graduates in Arts in the University who at the time of graduation were enrolled in University College; five members shall be elected by the graduates in

Arts and Science of Victoria University and the graduates in Arts of the University who at the time of graduation were enrolled in Victoria College; five members shall be elected by the graduates in Arts and Science of Trinity College and the graduates in Arts of the University who at the time of graduation were enrolled in Trinity College; four members shall be elected by the graduates in Medicine; two members shall be elected by the graduates in Applied Science and Engineering; two members shall be elected by the graduates in Law; two members shall be elected by the graduates in Agriculture; and four members shall be elected by such persons as hold certificates as principals of collegiate institutes or high schools or assistants therein, and are actually engaged in teaching in a collegiate institute or a high school;

- (e) A university hereafter federated with the University shall be entitled to be represented on the Senate in the proportion of one representative for every one hundred graduates in Arts, and for any fraction of one hundred over one-half the federated university shall be entitled to one additional representative; but in no case shall the number of such representatives exceed five; Universities hereafter federated, representation of.
- (f) If and when any new faculty is established in the University, provision may be made by the Senate, subject to confirmation by the Board, for the representation on the Senate of the graduates in such faculty; 6 Edw. VII. c. 55, s. 47 (2-6). Faculties hereafter established.

42. Members of the teaching staff of the University, of University College, of the federated universities, and of the federated and affiliated colleges, shall not be eligible for election by any of the graduate bodies. 6 Edw. VII. c. 55, s. 48. Members of teaching staffs not to be elected.

43. No person shall be eligible for election as Chancellor or for election or appointment as a member of the Senate unless he is a British subject and a resident of Ontario. 6 Edw. VII. c. 55, s. 49. Chancellor must be a British subject, resident in Ontario.

44. The tenure of office of the elected and the appointed members of the Senate shall be for four years, and until their respective successors are elected or appointed. 6 Edw. VII. c. 55, s. 50. Tenure of office of Senate.

45. If an elected or appointed member of the Senate resigns, goes to reside out of Ontario, becomes insane or incapable of acting, or becomes a member of the teaching staff of any of the bodies mentioned in section 42, not being Vacancies in Senate.

the body which he has been appointed to represent, his seat shall *ipso facto* become vacant, and a declaration of the existence of any vacancy entered upon the minutes of the Senate shall be conclusive evidence thereof. 6 Edw. VII. c. 55, s. 51.

Filling vacancies in Senate.

46. If a vacancy occurs from any cause it shall be filled, in the case of an appointed member, by the body possessing the power of appointment, and in the case of a member elected by the graduates or by any class of graduates or by the principals of collegiate institutes and high schools and assistants therein, by the Senate, and the person appointed to fill the vacancy shall hold office for the remainder of the term of office of the member whose seat has become vacant. 6 Edw. VII. c. 55, s. 52.

47. If any question arises touching the election of the Chancellor or of any elective member of the Senate or the right of any person to be or sit or act as Chancellor or as a member of the Senate, the same shall not be raised or determined in or by any action or proceeding in any court, but shall be determined by the Senate, whose decision shall be final. 6 Edw. VII. c. 55, s. 53.

Powers and duties of Senate.

48. In addition to such others as are expressly mentioned in this Act, the powers and duties of the Senate shall be to:

Regulating proceedings

(a) provide for the regulation and conduct of its proceedings, including the determining of the quorum necessary for the transaction of business;

Degrees.

(b) provide for the granting of and grant degrees, including honorary degrees and certificates of proficiency, except in theology;

Exhibitions, etc.

(c) provide for the establishment of exhibitions, scholarships and prizes;

Affiliation of colleges.

(d) provide for the affiliation with the University of any college established in Canada for the promotion of Art or Science, or for instruction in Law, Medicine, Engineering, Agriculture or any other useful branch of learning, and for the dissolution of such affiliation, or of any existing affiliation, or the modification or alteration of the terms thereof;

Cancelling or suspending degrees.

(e) provide for the cancellation, recall and suspension of the degree, whether heretofore or hereafter granted or conferred, of any graduate of the University heretofore or hereafter convicted in Ontario or elsewhere of an offence which, if committed in Canada, would be an indictable offence, or heretofore or hereafter guilty of any infamous or disgraceful conduct or of conduct unbecoming

a graduate of the University; for erasing the name of such graduate from the roll or register of graduates and for requiring the surrender for cancellation of the diploma, certificate or other instrument evidencing the right of such graduate to the degree of which he shall have been deprived under the authority of any such statute; and for providing the mode of inquiring into and determining as to the guilt of such graduate, and the procedure generally in respect of any such matter;

- (i) For the purpose of making such inquiry the Senate and the committees thereof shall have all the powers which by *The Public Inquiries Act* may be conferred upon commissioners appointed under the provisions of that Act. Rev. Stat. c. 18.
- (f) provide for the establishment of any faculty, department, chair or course of instruction in the University; Establishment of faculties, departments, etc.
- (g) provide for the establishment of any department, chair or course of instruction in University College in any subject except theology; Department's, etc., in University College.
- (h) appoint scrutineers for the counting of the votes for Chancellor and for elective members of the Senate; Scrutineers at elections.
- (i) consider and determine on the report of the respective faculty councils as to the courses of study in all the faculties; Considering reports of faculty councils.
- (j) consider and determine as to all courses of study to which paragraph (i) does not apply; Courses of study.
- (k) consider and determine on the report of the respective faculty councils as to the appointment of examiners, and the conduct and results of the examinations in all the faculties; Examiners and Examinations.
- (l) provide for the appointment of the examiners for and for the conduct of all University examinations other than those in the faculties of the University and for determining the results of such examinations; University examiners and examinations.
- (m) hear and determine appeals from decisions of the faculty councils upon applications and memorials by students and others; Appeals from faculty councils.
- (n) consider all such matters as shall be reported to it by the Council of any faculty, and communicate its opinion or action thereon to the Council; Reports from faculty councils.

Representation
of new facul-
ties on Senate.

(o) provide for the representation on the Senate of any faculty hereafter established in the University, and of the graduates in such faculty, if, in the opinion of the Senate, provision should be made for separate representation of such graduates;

Calendars.

(p) provide for the preparation and publication of the Calendars, which shall include those of University College and the federated universities, or such of them as desire that their calendars shall be inserted therein;

Library and
Librarian.

(q) make rules and regulations for the management and conduct of the Library, and prescribe the duties of the Librarian;

Changing com-
position of
Senate.

(r) make such changes in the composition of the Senate as may be deemed expedient;

Recommend-
ations to Board.

(s) make such recommendations to the Board as may be deemed proper for promoting the interests of the University and University College, or for carrying out the objects and provisions of this Act. 6 Edw. VII. c. 55, s. 54.

Rights of order
of University
as to Senate
composition
preserved.

49.—(1) Nothing in section 48 shall authorize the Senate to make any change in its composition which affects the rights of representation thereon of a federated university or the faculty of Arts thereof, or of a federated college, or of the graduates of a federated university, unless the same is assented to by the federated university or college affected by the change.

Senate may
take initiative
in changing
composition
of Senate.

(2) Nothing in this Act shall prevent the Senate from taking the initiative in determining as to any course of study or any change therein, but before passing any statute providing therefor the Senate shall refer to the appropriate faculty council the proposition under consideration for inquiry and report thereon. 6 Edw. VII. c. 55, s. 55.

Statutes of
Senate may
contain matters
to be referred
to approval of
Board.

50. A certified copy of every statute or other enactment of the Senate providing for any of the matters or things mentioned in section 48 and therein numbered (c), (d), (e), (f), (g), (i), (j), (o), (q) and (r) shall within ten days after the passing thereof be transmitted to the Board, and no such statute or enactment shall have force or effect until it has been approved by the Board. 6 Edw. VII. c. 55, s. 56.

CONVOCATION.

Convocation, —
how composed.

51. Convocation shall consist of all the graduates of the University and of the federated universities. 6 Edw. VII. c. 55, s. 57.

Powers of
convocation.

52. Convocation shall have power to

- (a) make regulations for governing its proceedings and the mode of conducting the same, and keeping records thereof; Regulations as to proceedings.
- (b) appoint a Clerk of Convocation, and prescribe his duties; Appointment and duties of clerk.
- (c) in case of the absence of the chancellor, elect a presiding officer for any meeting thereof; Presiding officer.
- (d) consider all questions affecting the interests and well-being of the University, and make representations thereon to the Board or to the Senate; Representations to Board and Senate.
- (e) require a fee to be paid by the members as a condition of their being placed on the register of members, and provide that no member whose name does not appear in such register shall be entitled to take any part in the proceedings of Convocation; Fee of members.
- (f) appoint an Executive Committee and confer upon it such powers as may seem meet. 6 Edw. VII. c. 55, s. 58. Executive Committee.

53. Convocation shall meet when convened by the Chancellor, and also at such times and places as may be fixed by Convocation by regulation, and in the absence of such regulation, as may be fixed by Convocation or by the Executive Committee thereof, and the Board shall provide a suitable place for its meetings. 6 Edw. VII. c. 55, s. 59. Meetings of convocation.

54. Notice of all meetings shall be given in such manner as may be prescribed by Convocation by regulation, and in the absence of such regulation as may be directed by Convocation or by the Executive Committee. 6 Edw. VII. c. 55, s. 60. Notice of meetings.

55. A true copy of the minutes of the proceedings of every meeting of Convocation shall be transmitted without unnecessary delay to the Board and to the Senate. 6 Edw. VII. c. 55, s. 61. Transmission of minutes.

56. All questions shall be decided by the vote of the majority of the members present. 6 Edw. VII. c. 55, s. 62. Majority vote to decide.

57. The Chairman or presiding officer shall be entitled to vote as a member of Convocation, and any question on which there is an equality of votes shall be deemed to be negatived. 6 Edw. VII. c. 55, s. 63. Chairman may vote as member.

58. No question shall be decided at any meeting unless at least twenty-five members are present. 6 Edw. VII. c. 55, s. 64. Quorum.

Special meet-
ings.—how
called.

59.—(1) If at least twenty-five members by writing under their hands, setting forth the objects thereof, require the Chairman to convene a special meeting of Convocation, the Chairman shall call the same without unnecessary delay. 6 Edw. VII. c. 55, s. 65.

Special meet-
ings.—how
called to object.

(2) No matter shall be considered at any such meeting except that for the consideration of which the meeting shall have been called. 6 Edw. VII. c. 55, s. 66.

Chancellor.

60. There shall be a Chancellor of the University, who shall be elected by the graduates thereof at the time and in the manner hereinafter mentioned. 6 Edw. VII. c. 55, s. 67.

Chancellor to
be chairman of
convocation.

61. The Chancellor shall be the Chairman of Convocation. 6 Edw. VII. c. 55, s. 68.

Deputy
Chancellor
to be
appointed.

62. All degrees shall be conferred by the Chancellor, or, in case of his absence, or of there being a vacancy in the office, by the President, or, in case of the absence of both of them, or of both offices being vacant, by a member of a faculty of the University, appointed for the purpose by the Senate. 6 Edw. VII. c. 55, s. 69.

Term of office.

63. The Chancellor shall hold office for four years, and until his successor is chosen. 6 Edw. VII. c. 55, s. 70.

Vacancy in
office of
Chancellor.

64. If the Chancellor goes to reside out of Ontario or becomes insane or otherwise incapable of acting, he shall *ipso facto* vacate his office, and a declaration of the existence of such vacancy by the Senate entered upon its minutes shall be conclusive evidence thereof. 6 Edw. VII. c. 55, s. 71.

Term
vacancy.

65. In the case of a vacancy in the office of Chancellor before the term of office for which he was elected has expired, the vacancy shall be filled by the appointment by the Senate at a special meeting called for the purpose, of which at least thirty days' notice shall be given, of a successor who shall hold office for the remainder of the term for which the Chancellor was elected. 6 Edw. VII. c. 55, s. 72.

FACULTY COUNCILS.

Faculty of
Arts.

66.—(1) There shall be a faculty council to be known as "The Council of the Faculty of Arts," which shall consist of the the President of the University, the Principal of University College, the President or other head of every federated university, the Dean of the Faculty of Arts, the teaching staff in the Faculty of Arts of the University, the teaching staff of University College, the teaching staff in the Faculty of Arts of Victoria College, of Trinity College and of every other university hereafter federated with the University, one professor in the department of

Composition
council.

religious knowledge appointed by the theological faculty in each federated university now or hereafter federated, and one professor appointed by each of the federated colleges.

(2) The lecturers and instructors whose appointments are temporary, shall not for the purpose of this section be deemed to be members of the teaching staff.

(3) The lecturers and instructors who are members of the Council shall act as assessors only, and shall not be entitled to vote. 6 Edw. VII c. 55, s. 73, 74.

67.—(1) The powers and duties of the Council of the Faculty of Arts shall be to: Powers and duties of Arts council.

(a) make rules and regulations for governing its proceedings, including the determining of the quorum necessary for the transaction of business; 6 Edw. VII. c. 55, s. 75, *part*. Regulating procedure.

(b) subject to the provisions of this Act and to the approval of the Board make rules and regulations for the government, direction and management of the faculty and the affairs and business thereof; 3-4 Geo. V. c. 74, s. 6. Management of the faculty.

(c) fix and determine the courses of study in Arts, subject to the approval of the Senate; Courses of study.

(d) subject to the approval of and confirmation by the Senate, appoint the examiners for and conduct the examinations of the Arts courses, and determine the results of such examinations; Examiners and examinations.

(e) deal with and, subject to an appeal to the Senate, decide upon all applications and memorials by students or others in connection with the Faculty of Arts; Applications and memorials by students.

(f) consider and report to the Senate upon such matters affecting the Faculty of Arts as to the Council may seem meet. Report to Senate.

(2) For the purposes of this section "The Faculty of Arts" shall mean and include the teaching bodies and persons mentioned in section 66. 6 Edw. VII. c. 55, s. 75, *part*. "Faculty of Arts," meaning of.

68. There shall also be a Council for every other faculty of the University now or hereafter established, and a Council for University College. 6 Edw. VII. c. 55, s. 76. Other councils.

69. The Council of University College shall consist of the Principal and the teaching staff thereof and the Councils of the other faculties shall consist of the respective teaching staffs thereof, except in the case of the Council of the Faculty of Education, which shall consist of the teaching staff thereof Council of University College.

and the Superintendent of Education; but the Superintendent shall not vote on any question. 6 Edw. VII. c. 55, s. 77; 9 Edw. VII. c. 95, s. 1.

Teaching staff and members of Council

70. "Teaching staff" shall have the limited meaning given to it in the provisions of this Act relating to the Council of the Faculty of Arts, and the lecturers and instructors who are members of such Councils shall act as assessors only, and shall not be entitled to vote. 6 Edw. VII. c. 55, s. 78.

Powers and duties of councils other than of Arts.

71. The powers and duties of the Faculty Councils provided for by section 68 shall be to:

Regulating procedure.

(a) make rules and regulations for governing their proceedings, including the determining of the quorum necessary for the transaction of business;

Rules and regulations

(b) subject to the provisions of this Act, and to the approval of the Board, make rules and regulations for the government, direction and management of their respective faculties and the affairs and business thereof;

Courses of study.

(c) fix and determine the courses of study in their respective faculties, subject to the approval of the Senate;

Examiners and examinations.

(d) subject to the approval of and confirmation by the Senate, appoint the examiners for and conduct the examinations of the courses in their respective faculties, and determine the results of such examinations;

Applications and memorials of students.

(e) deal with and, subject to an appeal to the Senate, decide upon all applications and memorials by students and others in connection with their respective faculties;

Report to Senate.

(f) consider and report to the Senate upon such matters affecting their respective faculties as to the Councils may seem meet. 6 Edw. VII. c. 55, s. 79.

Dean of the Faculty of Arts

72. Except in the case of the Council of the Faculty of Arts, the Dean shall be Chairman of the Council of the Faculty of which he is Dean. 6 Edw. VII. c. 55, s. 80.

Council of University College, powers and duties.

73. The powers and duties of the Council of University College shall be to:

Regulating procedure.

(a) make rules and regulations for governing its proceedings, including the determining of the quorum necessary for the transaction of business;

Regulating procedure.

(b) subject to the provisions of this Act and to the approval of the Board, make rules and regulations for the government, direction and manage-

ment of University College and the affairs and business thereof;

(c) appoint the examiners for and conduct the ex-^{Examiners and examinations.}aminations of University College;

(d) consider and report to the Board and to the Senate^{Report to Board and Senate.} or to either of them upon such matters affecting University College as may seem meet. 6 Edw. VII. c. 55, s. 81.

74. The Principal of University College shall be the Chair-^{Principal to be chairman of council.}man of the Council thereof. 6 Edw. VII. c. 55, s. 82.

75. The Librarian of the University shall be *ex officio* a^{Librarian to be ex-officio member of councils.} member of all faculty councils and of the Council of University College. 6 Edw. VII. c. 55, s. 83.

CAPUT.

76. Unless and until otherwise provided by the Board, there shall be a Committee to be called the Caput, which shall be composed of the President of the University, who shall be the Chairman, the Principal of University College, the heads of the federated universities, the heads of the federated colleges and the Deans of the faculties of the University, and the presence of at least five of the members shall be necessary to constitute a quorum for the transaction^{Quorum.} of business. 6 Edw. VII. c. 55, s. 84.

77. The powers and duties of the Caput shall be to: ^{Powers and duties.}

(a) fix and determine the time tables for the lectures^{Time tables for lectures, etc.} and other instruction in the University which affect more than one faculty, or which affect University College, or a federated university or college;

(b) authorize such lecturing and teaching in the University by others than the duly appointed members^{Authorizing lecturing and teaching.} of the teaching staff thereof, and prevent all lecturing and teaching not so authorized;

(c) exercise the powers as to discipline conferred^{Disciplinary powers.} upon it by sections 84 to 87;

(d) generally, deal with all such matters as may be^{Matters assigned to caput by Board or Senate.} assigned to it by the Board or by the Senate, if in the latter case such matters fall within the powers conferred upon the Senate by this Act. 6 Edw. VII. c. 55, s. 85.

78. A copy of every general rule or regulation made by the^{Rules or regulations to be approved by Board.} Caput shall be transmitted to the Board, and no such general rule or regulation shall have any force or effect until it has been approved by the Board. 6 Edw. VII. c. 55, s. 86.

Caput may advise president.

79. The Caput may advise the President in all matters affecting the academic interests of the University, but the powers of the President shall not be subject to its control.
6 Edw. VII. c. 55, s. 87.

PRESIDENT, PRINCIPAL, REGISTRARS.

President of University.

80.—(1) There shall be a President of the University who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of the University, and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar of the University, and shall also have such other powers and perform such other duties as from time to time may be conferred upon or assigned to him by the Board.

To be a member of all faculty councils.

(2) He shall be a member of all faculty councils, and Chairman of the Council of the Faculty of Arts.

Chairman of Senate.

(3) He shall be Chairman of the Senate.

To confer degrees in absence of chancellor.

(4) In the absence of the Chancellor, he shall confer all degrees.

To call meetings of Council of Faculty of Arts.

(5) He shall call meetings of the Council of the Faculty of Arts in accordance with the regulations of the Council, and also when requested to do so by at least five members thereof.

Suspending members of staff.

(6) He shall have power to suspend any member of the teaching staff of the University and University College and any officer and servant mentioned in subsection 1 and when he exercises that power he shall forthwith report his action to the Board, with a statement of his reasons therefor.

Recommendations to Board as to appointments, etc.

(7) He shall make recommendations to the Board as to all appointments to and all promotions in, and removals from the teaching staff of the University, and University College, including the Principal, and of the officers and servants mentioned in subsection 1.

Summoning meetings of faculty councils.

(8) He shall have the right to summon meetings of any faculty council, and of the Council of University College, whenever he may deem it necessary to do so, and to take the chair at any meeting thereof at which he may be present.

Convening joint meeting of councils.

(9) He may also, at his discretion, convene joint meetings of all the faculty Councils and the Council of University College or any two or more of them.

Annual report to Board.

(10) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of the University and University College, and as to their progress and requirements, and make such recommenda-

tions thereon as he may deem necessary, and he shall also report upon any matter which may be referred to him by the Board or by the Senate.

(11) The enumeration of the express powers mentioned in subsections 4 to 10, shall not limit the general powers conferred by subsection 1. 6 Edw. VII. c. 55, s. 88.

Mention of express powers not to limit general powers.

81.—(1) In case of his absence or illness the President may appoint a member of any faculty to act in his stead, and if there is a vacancy in the office of President, or if no appointment is made, the Board may appoint a member of any faculty to act *pro tempore*, and, failing an appointment, and until it is made, the Dean of the Faculty of Arts of the University shall act as President *pro tempore*. 6 Edw. VII. c. 55, s. 89.

President may appoint a substitute in case of absence or illness.

(2) The person acting pursuant to any such appointment shall have and may exercise all the powers and shall perform all the duties of President, but not those as to appointments, promotions and removals unless requested by the Board to do so. 6 Edw. VII. c. 55, s. 90.

Powers of President *pro tem*.

82.—(1) There shall be a principal of University College, who shall be the chief executive officer thereof, and shall have general supervision over and direction of the academic work of University College and the teaching staff thereof, and the officers and servants employed in or in connection with such work, including the Registrar of University College, and shall also have such other powers and perform such other duties as from time to time may be assigned to him by the Board.

Principal of University College.

(2) He shall be a member of the Council of the Faculty of Arts.

To be a member of Faculty of Arts.

(3) He shall call meetings of the Council of University College in accordance with the regulations of the Council, and when requested to do so by at least five members thereof, and also whenever he may see fit.

To call meetings of Council of University College.

(4) He shall have power to suspend any member of the teaching staff of University College, and any officer and servant mentioned in subsection 1, and when he exercises that power he shall forthwith report his action to the President with a statement of his reasons therefor.

May suspend members of staff of College.

(5) He shall report annually to the Board and to the Senate upon the progress and efficiency of the academic work of University College, and as to its progress and requirements, and make such recommendations thereon as he may deem necessary and he shall also report upon any matter which may be referred to him by the Board or by the Senate, and his reports shall, in all cases, be made through the President.

Annual report to Board and Senate.

Absence or
vacancy in
office of
Principal.

(6) In case of the absence or illness of the Principal he may appoint a member of the teaching staff of University College to act for him and failing an appointment and until it is made by him, or if there is a vacancy in the office of Principal the senior member of the teaching staff of University College shall act as Principal *pro tempore*. 6 Edw. VII. c. 55, s. 92.

Registrars for
University and
University
Colleges

83. There shall be a Registrar for the University and a Registrar for University College, and the offices shall not be held by the same person. 6 Edw. VII. c. 55, s. 93.

DISCIPLINE.

Disciplinary
jurisdiction of
governing
bodies.

84.—(1) The Council of University College, and the governing bodies of the federated universities and colleges, shall, respectively, have disciplinary jurisdiction over and entire responsibility for the conduct of their students in respect of all matters arising or occurring in or upon their respective college buildings and grounds, including residences. 6 Edw. VII. c. 55, s. 94.

Disciplinary
jurisdiction of
Faculty
councils.

(2) The councils of such of the faculties as shall have assigned for their separate use any building and grounds, including a residence, shall have disciplinary jurisdiction over and entire responsibility for the conduct of all students in their respective faculties in respect of all matters arising or occurring in or upon such building, or grounds. 6 Edw. VII. c. 55, s. 95.

Disciplinary
jurisdiction of
Caput.

(3) In all other cases, as respects all students to whatsoever college or faculty they belong, disciplinary jurisdiction shall be vested in the Caput, but the Caput may delegate its authority in any particular case or by general regulation to the council or other governing body of the university or college or faculty to which the student belongs. 6 Edw. VII. c. 55, s. 96.

Control of
College associa-
tions.

85. The Caput shall also have power and authority to determine by general regulation, or otherwise, to what college, faculty or other body the control of university associations belongs. 6 Edw. VII. c. 55, s. 97.

Determining
questions of
jurisdiction.

86. If there is any question as to the proper body to exercise jurisdiction in any matter of discipline which may arise, the same shall be determined by the Caput, whose decision shall be final. 6 Edw. VII. c. 55, s. 98.

Power to im-
pose fines.

87. Disciplinary jurisdiction shall include the power to impose fines. 6 Edw. VII. c. 55, s. 99.

Power to abro-
gate or change
provisions as to
discipline.

88. As respects the conduct and discipline as students of the University of all students registered in the University to whatsoever college or faculty they belong and as respects

all students enrolled in University College the provisions of sections 84 to 87 may be abrogated or changed by the Board. 6 Edw. VII. c. 55, s. 100.

ELECTIONS.

89. The elective members of the Senate shall be elected Quadrennial elections of Senate. and the appointed members thereof shall be appointed Senate. quadrennially. 6 Edw. VII. c. 55, s. 101 (2).

90. The Registrar of the University shall, after the fifteenth day of June, and before the fifteenth day of August in every year in which an election is to take place, prepare an alphabetical list to be called "The Election Register," of the names and known addresses of all graduates who are entitled to vote at such election. 6 Edw. VII. c. 55, s. 102. "Election Register."

91. The election register shall be posted up in a conspicuous place in the office of the Registrar not later than the fifteenth day of August in every such year, and shall be open to inspection by any graduate entitled to vote, at all reasonable hours. 6 Edw. VII. c. 55, s. 103. Register to be posted up in offices of Registrar.

92. No person whose name does not appear in the election register shall be entitled to vote at the election. 6 Edw. VII. c. 55, s. 104. Persons not to vote unless names on register.

93. If from any cause the election register is not prepared at the time and in the manner provided by this Act, the Board shall make provision for the preparation of it, and all the provisions of this Act as to the election register, except those relating to time, shall apply to the election register so prepared. 6 Edw. VII. c. 55, s. 105. When election register is not duly prepared.

94. For the purposes of all elections at which graduates of a federated university are entitled to vote, the Registrar of such University shall on or before the fifteenth day of June in each year in which an election at which such graduates are entitled to vote is to be held, furnish to the Registrar of the University a list of the names of all graduates of such federated university who are entitled to vote, with their post office addresses as far as the same are known. 6 Edw. VII. c. 55, s. 106. List of graduates entitled to vote to be furnished to federated University.

95. The Department of Education shall, upon the application of the Registrar of the University, furnish him, on or before the first day of August in such year, with a list of all principals of and assistants in collegiate institutes and high schools who are actually engaged in teaching in a collegiate institute or high School, with their post office addresses as far as known. 6 Edw. VII. c. 55, s. 107. Education Department to furnish list of principals and assistants in High Schools.

Separate lists of different classes of persons entitled to vote.

96.—(1) The Registrar, in preparing the election register, shall make separate lists of (a) the graduates in Arts of the University enrolled in University College; (b) the graduates in Arts of each federated university, including graduates of the University who were at the time of graduation enrolled in the federated university; (c) the graduates in Medicine; (d) the graduates in Law; (e) the graduates in Applied Science and Engineering; (f) the graduates of each other faculty in the University, the graduates of which are entitled to elect representatives; (g) the graduates in Agriculture, and (h) the principals of and assistants in collegiate institutes and high schools actually engaged in teaching in a collegiate institute or high school.

Lists to be voters' lists.

(2) Such lists shall be the voters' lists for the election. 6 Edw. VII. c. 55, s. 108.

Complaints as to errors and omissions in lists.

97. If any person whose name appears or ought to appear in any election register complains in writing to the Registrar of the University, not later than ten clear days before the second Wednesday of the month of September in the year in which the election is to be held, that his name or that of any person which ought to appear therein has been omitted from such register or of any error in such name as it appears therein, or that the name of any person whose name ought not to be entered in the register appears therein, the Registrar shall forthwith examine into the complaint, and after such notice as he may deem necessary to any person whose name is sought to be stricken from such register, rectify the error, if any, therein. 6 Edw. VII. c. 55, s. 109.

Appeal from decision of Registrar.

98. The decision of the Registrar shall be subject to appeal to the President of the University. 6 Edw. VII. c. 55, s. 110.

Nomination of Chancellor.

99. No person shall be elected as Chancellor, or as a member of the Senate, unless he has been nominated as hereinafter mentioned, and every vote cast for any person not so nominated shall be void. 6 Edw. VII. c. 55, s. 111.

Nomination to be in writing.

100. The nominations shall be in writing by a nomination paper, which shall be signed by at least ten of the persons entitled to vote at the election. 6 Edw. VII. c. 55, s. 112.

Delivery of nomination paper to Registrar.

101. The nomination paper shall be delivered at the office of the Registrar, or, if sent by mail, shall be received there not later than the first Wednesday in September of the year in which the election is to take place, and if not so delivered or received shall be invalid, and shall not be acted upon. 6 Edw. VII. c. 55, s. 113.

Refusal to become a candidate.

102. Any person nominated for the office of Chancellor or as a member of the Senate may refuse to become a

candidate for the office for which he has been nominated and he shall be deemed not to have been nominated, and his name shall not be included in the list of candidates if he notifies the Registrar in writing of his refusal within four days, in which shall not be included a Sunday or other holiday, after the day upon which the time for nominations expired. 6 Edw. VII. c. 55, s. 114; 3-4 Geo. V. c. 74, s. 7.

103. If one person only is nominated for the office of Chancellor within the time fixed for that purpose he shall be elected to and be entitled to hold that office. 6 Edw. VII. c. 55, s. 115. Election by acclamation.

104. If only such number of persons as are required to be elected as members of the Senate are nominated within the time fixed for that purpose the persons so nominated shall be elected to and be entitled to hold the offices for which they were respectively nominated. 6 Edw. VII. c. 55, s. 116. Election of Senate by acclamation.

105. The Registrar shall report to the Senate at its next meeting the results of the election. 6 Edw. VII. c. 55, s. 117. Report of result of election to Senate.

106. If a poll is necessary the Registrar shall on or before the second Wednesday in such month of September send by mail to every graduate who, according to the election register, is entitled to vote at the election, and whose place of residence is shown in such register, or is known to the Registrar, a voting paper, Form 1, together with a list of the persons whose term of office is expiring, and of all persons who have been nominated. 6 Edw. VII. c. 55, s. 118. Voting papers to be sent to graduates.

107. The votes shall be given by closed voting papers, which shall be delivered, or, if sent by mail, shall be received at the office of the Registrar not earlier than the second Wednesday of such month of September, and not later than the first Wednesday of October following, both days inclusive, and every voting paper which has not been furnished by the Registrar, or which is not so delivered or received shall be invalid, and shall not be counted. 6 Edw. VII. c. 55, s. 119. Votes, how given.

108. Two persons appointed by the Senate for that purpose, shall be the scrutineers; but, if the Senate does not at least two weeks previous to the time fixed for the counting of the votes appoint the scrutineers, the President shall make the appointment. 6 Edw. VII. c. 55, s. 120. Scrutineers.

109.—(1) The voting papers, upon the next day after the time for receiving them has expired, shall be opened by the Registrar, and such persons as may be appointed by the President to assist in the opening thereof, in the presence of the President and of the scrutineers, who shall examine and count the votes and keep a record thereof in a book to be provided Opening and counting votes.

for that purpose, and the opening of the voting papers and the counting and recording of the votes shall be continued from day to day until completed.

(2) If the President is unable to be present, he shall appoint some person to act in his stead. 6 Edw. VII. c. 55, s. 121.

Who may be present at count.

110. Any person entitled to vote at the election may be present at the opening of the voting papers and the counting and recording of the votes. 6 Edw. VII. c. 55, s. 122.

When voter gives more votes than entitled to.

111. If more than one name appears upon a voting paper for Chancellor the vote shall be invalid, and shall not be counted, and if more names than the number to be elected appear on a voting paper for members of the Senate the votes shall be counted as votes for the persons whose names appear thereon in consecutive order, beginning with the first until the required number is reached, and all other votes thereon shall be invalid, and shall not be counted. 6 Edw. VII. c. 55, s. 123.

Declaration of result.

112. Upon the completion of the scrutiny and counting of the votes the President or other person acting in his stead and the scrutineers shall declare the result of the election, setting forth the number of votes cast for every person who has been nominated, and shall, without delay, report the same in writing under their hands to the Senate. 6 Edw. VII. c. 55, s. 124.

Senate to have casting vote.

113. In case of an equality of the votes given for two or more persons for Chancellor or for a member or members of the Senate, which leaves the election undecided, the Senate shall, at its next meeting, give the casting vote or votes necessary to decide it. 6 Edw. VII. c. 55, s. 125.

When election not held as provided.

114. If from any cause any election provided for by this Act is not held as hereinbefore provided, or if the full number of members which any body is entitled to elect is not elected, the Board shall make provision for holding the election or an election of the number of members which such body has failed to elect, as the case may be, and fix the dates for the nominations and the other proceedings for taking, counting and recording the votes thereat and declaring the result thereof, and such proceedings shall, as far as may be practicable, be conformable with those provided by this Act. 6 Edw. VII. c. 55, s. 126; 3-4 Geo. V. c. 74, s. 8.

COURSES OF INSTRUCTION, ATTENDANCE, FEES, ENROLLMENT.

Course of instruction in Arts.

115. The course of instruction in the Faculty of Arts shall be apportioned between the University and University College as follows:

(a) In the University instruction shall be given in Mathematics, Physics, Astronomy, Geology, Mineralogy, Chemistry, Biology, Physiology, History, Ethnology, Comparative Philology, Italian, Spanish, History of Philosophy, Psychology, Logic, Metaphysics, Education, Political Science, including Political Economy, Jurisprudence and Constitutional Law, and Constitutional History, and in such other subjects as, from time to time, may be determined by statute in that behalf. University courses,

(b) In University College instruction shall be given in Greek, Latin, Ancient History, English, French, German, Oriental Languages and Ethics, and in such other subjects as may, from time to time, be determined by statute in that behalf, but not in theology. 6 Edw. VII. c. 55, s. 127. University College Courses.

116. The subjects of instruction assigned by section 115 to the University and University College, respectively, shall not be transferred from the one to the other except by the direction of the Board, and no such direction shall be made unless with the consent of the federated universities. 6 Edw. VII. c. 55, s. 128. Consent of federated universities required to transfer of subjects.

117.—(1) The curriculum in Arts of the University shall include the subjects of Biblical Greek, Biblical Literature, Christian Ethics, Apologetics, the Evidences of Natural and Revealed Religion and Church History, but any provision for examination and instruction in them shall be left to the voluntary action of the federated universities and colleges, and provision shall be made by a system of options to prevent such subjects being made compulsory upon any candidate for a degree. University curriculum in Arts to include certain theological subjects

(2) The options shall be evenly distributed over each year of the general or pass course, and as far as practicable over each of the honour courses. 6 Edw. VII. c. 55, s. 129. Distribution of options over years of course.

118. The Board, with the consent of the federated universities, but not otherwise, may provide that attendance by a student enrolled in University College upon instruction in the subjects assigned to University College, or any of them, in any of the federated universities, shall be equivalent to attendance in University College, and that such attendance in University College by a student enrolled in a federated university shall be equivalent to attendance in such federated university, and may prescribe the terms and conditions upon which any such attendance upon instruction may take place. 6 Edw. VII. c. 55, s. 130. Attendance at lectures in federated universities.

119. Save as otherwise provided by the Board, a professor, lecturer, or teacher of University College may give instruction at or to the students enrolled in any federated uni- Interchange of lectures with federated universities.

versity in any of the subjects of instruction from time to time assigned to University College, and a professor, lecturer or teacher of any federated university may give instruction at or to the students enrolled in University College in any of such subjects, but the consent of the Principal of University College and of the federated university concerned and the approval of the Senate shall be first obtained. 6 Edw. VII. c. 55, s. 131.

Instruction in
Arts to be free
except as to
certain fees.

120. Instruction in Arts in the University, except post-graduate instruction, shall be free to all regular matriculated students thereof who are enrolled in University College or in a federated university, and who enter their names with the Registrar of the University, but this provision shall not include exemption from laboratory fees, gymnasium fees, or fees for physical examination or instruction. 6 Edw. VII. c. 55, s. 132.

Minimum
table of fees.

121. The table of fees, which on the 15th day of June, 1906, was in force for University College shall be the minimum table of fees for University College and for the Arts faculties of the federated universities, and no reduction shall be made in such minimum unless with the consent of the Board and of the federated universities. 6 Edw. VII. c. 55, s. 133.

Attendance on
lectures as
qualification to
compete for
exhibitions,
etc.

122. Attendance upon instruction in University College or in St. Michael's College or in a federated university by a student enrolled therein shall entitle such student to present himself for any Arts examination in and to proceed to any degree in Arts of the University, and to compete for any exhibition, scholarship, prize or certificate of proficiency in Arts awarded or granted by the University in the same way and to the same extent as if he had attended upon such instruction in the University. 6 Edw. VII. c. 55, s. 134; 3-4 Geo. V. c. 74, s. 9.

Affiliated
colleges.

123. If and as far as may be sanctioned by the Senate and approved by the Board, the next preceding section shall apply to attendance by a student of a federated or affiliated college upon instruction therein. 6 Edw. VII. c. 55, s. 135.

University
statutes in
Arts enrol-
ment of.

124.—(1) All students proceeding to a degree in Arts in the University, unless in cases for which special provision is made to the contrary by statute of the Senate, shall be enrolled in University College or in St. Michael's College or in a federated university. 6 Edw. VII. c. 55, s. 136 (1); 3-4 Geo. V. c. 74, s. 10.

Registration of
students.

(2) Subject to the statutes of the Senate, all students proceeding to a degree in any faculty of the University other than that of Arts unless in cases for which special provision is made to the contrary by statute of the Senate, shall be registered in the University and receive their instruction

therein, except in the subjects in which by or under the authority of clause (b) of section 115 instruction is or may be provided for in University College, as to which it shall be sufficient if being a student enrolled in University College or in St. Michael's College or in a federated university he has received instruction therein. 6 Edw. VII. c. 55, s. 136 (2).

(3) All occasional and graduate students shall also be registered in the University. 6 Edw. VII. c. 55, s. 136 (3). Occasional and graduate students.

125. Persons who have not received their instruction in the University, or in University College, or in a federated university or college, or in an affiliated college, may be admitted as candidates for examination for standing or for any degree, honour, scholarship or certificate of proficiency authorized to be granted or conferred by the University on such conditions as the Senate may, from time to time, determine. 6 Edw. VII. c. 55, s. 137. Admission of candidates not students of the University.

126.—(1) No student enrolled in University College or in a federated university or college or in an affiliated college shall be permitted to present himself for any university examination subsequent to that for matriculation without producing a certificate that he has complied with the requirements of such university or college affecting his admission to such examination. Qualifications of admission to University examinations.

(2) A student enrolled in an affiliated college may, subject to subsection 1 and to any statute of the Senate, present himself for any University examination subsequent to that for matriculation leading to a degree in that branch of learning in which instruction is given in such college, but such student shall not be entitled, unless by special permission of the Senate, to present himself for any examination leading to a degree in Arts or in any other faculty of the University. 6 Edw. VII. c. 55, s. 138. Students enrolled in affiliated colleges.

127. Every graduate's diploma and student's certificate of standing, in addition to being signed by the proper authority of the University, shall indicate the federated university or college or affiliated college in which such student was enrolled at the time of his graduation or examination, and shall be signed by such professor, teacher or officer of the federated university or college or affiliated college as the governing body thereof may determine. 6 Edw. VII. c. 55, s. 139. Diplomas, Certificates, etc., to indicate students, University or College.

ANNUAL GRANTS.

128.—(1) For the purpose of making provision for the maintenance and support of the University and University College, there shall be paid to the Board out of the Consolidated Revenue Fund yearly and every year a sum equal to Annual grant to University of portion of revenue from succession duties.

fifty per centum of the average yearly gross receipts of the Province from succession duties.

How payable.

(2) Such annual sums shall be paid in equal half-yearly instalments on the first day of July and the first day of January in each year, and the average yearly gross receipts from succession duties shall be determined by and be based upon the gross receipts from such duties of the three years ended on the 31st day of December next preceding the day on which the first instalment of the year is to be paid.

When amount of grant is in excess of estimated expenditure.

(3) If in any year the amount payable to the Board under the provisions of subsections 1 and 2 exceeds the amount of the estimated expenditure for the maintenance and support of the University and University College for the academic year in respect of which such amount is payable, the Lieutenant-Governor in Council may direct that the excess shall be added to the permanent endowment of the University and University College, or set apart by the Board as a contingent fund to provide for the event of the amount payable to the Board being in any future year or years insufficient to defray the cost of such maintenance and support; or that the same may be applied in expenditures on capital account; or be applied or dealt with wholly or in part in each or any of such ways; and may direct that, except in so far as such excess is not directed to be so applied or dealt with, the same shall not be paid to the Board and in every such case the sum which would otherwise be payable to the Board shall be reduced accordingly. 6 Edw. VII. c. 55, s. 140.

TRINITY COLLEGE.

Notice of Trinity College under section 129.

129.—(1) Nothing in this Act shall impair or prejudicially affect the rights of Trinity College under those provisions of the agreement made between the Trustees of the University of Toronto and Trinity College bearing the date the twenty-fifth day of August, 1903, which are set out in Schedule B, but such provisions shall continue binding on the University.

Arrangements for removal of Trinity College to Queen's Park.

(2) The Board may make such arrangement as it may deem expedient for facilitating the removal of Trinity College to Queen's Park, and to that end may agree to such modifications and alterations of the terms of such agreement, and may agree to such additional or substituted terms, financial or otherwise, as to the Board may seem meet, but no such agreement shall have any force or effect until approved by the Lieutenant-Governor in Council, and when so approved it shall have the same force and effect as if the terms thereof had been embodied in this Act.

Carrying out of any agreement entered into by the Province.

(3) In the event of its being necessary in order to carry out any agreement entered into under the provisions of subsection 2, that to enable Trinity College to remove its seat to a site on the University land in or near

Queen's Park and to erect new buildings thereon a loan to be raised by Trinity College should be guaranteed by the Province the Lieutenant-Governor in Council for and in the name of the Province may guarantee the repayment of the loan in such form and upon and subject to such conditions and stipulations as to the nature and sufficiency of the security to be given for the loan, the safeguards which may be deemed necessary to protect the Province against loss and to ensure the repayment of principal and interest as the same become due, and otherwise as to the Lieutenant-Governor in Council may seem meet.

(4) Trinity College may enter into any agreement which it may deem necessary for carrying out the purpose mentioned in subsection 2, and may make and execute all agreements, deeds and other instruments deemed necessary to carry into effect the provisions of any such agreement.

Trinity College
authorized to
enter into
agreement
as to removal.

(5) Trinity College may also borrow upon the security of its property, real and personal, or any part thereof, such sum of money as may be deemed requisite in order to carry out such removal, and the terms of any agreement so entered into, and may execute such deeds, bonds, debentures and other instruments necessary for the purposes of such security, and the money so borrowed may be repayable at such times and in such manner and bear such rate of interest as to Trinity College may seem meet. 6 Edw. VII. c. 55, ss. 141 and 142.

Borrowing
powers of
Trinity
College.

DEVONSHIRE PLACE.

130.—(1) The Board may stop up and close the highway in the City of Toronto called Devonshire Place, and if and when a statute for that purpose is passed by the Board and registered as hereinafter mentioned, the said highway shall be stopped up and closed and shall cease to be a highway, and the soil and freehold thereof shall be vested in the Board for the use of the University and University College.

Board may
close Devon-
shire Place.

(2) The Board shall make to the owners and occupiers of and all persons interested in any of the lots fronting or abutting on the highway compensation for the damage or injury occasioned to such lots by the closing of the highway, and the amount of such compensation shall be ascertained and determined in the manner provided for by paragraph (g) of section 32.

Compensation
to owners of
adjoining
lands.

(3) The statute may be registered in the Registry Office for the eastern division of the City of Toronto, and for the purpose of such registration a duplicate original of the statute shall be made out and certified under the hand of the Bursar and the seal of the Board and shall be registered without any further proof. 6 Edw. VII. c. 55, s. 143.

Registration of
statute closing
Devonshire
Place.

Section 144 of 6 Edw. VII. c. 55 is not included in the consolidation, but is not repealed.

FEDERATED COLLEGES BECOMING COLLEGES OF THE UNIVERSITY.

When federated college may become a college of the University.

131. If where a college federated with the University has established or hereafter establishes a faculty of Arts in which instruction in the subjects of the course of study in Arts not being University subjects is provided and a statute of the Board has been or shall be passed declaring that it has so done, such college, so long as it maintains such faculty to the satisfaction of the Board, shall be known as and may be called a college of the University, and the teaching staff in such faculty shall have the same representation in the Council of the faculty of Arts as is by section 66 given to the teaching staffs of the federated universities, and the regular matriculated students of such college who are enrolled therein and enter their names with the Registrar of the University shall be entitled to the privileges which are by section 120 conferred upon the students mentioned therein. 6 Edw. VII. c. 55, s. 145.

SCHEDULE A.

FORM 1.

(Section 106.)

FORM OF VOTING PAPER.

UNIVERSITY OF TORONTO ELECTION.

19 .

I, _____ resident at _____ in the county of _____ do hereby declare:

(1) That the signature subscribed hereunto is of my proper hand-writing.

(2) That I vote for the following person as Chancellor of the University of Toronto, viz., _____ of _____ in the _____ of _____

(3) That I vote for the following persons as members of the Senate of the University of Toronto, viz., _____ of _____ in the _____ of _____ etc., etc.

(4) That I have not for the purpose of this election signed any other voting paper as a graduate of the Faculty of Arts (*or of Medicine, or of Law, or of Applied Science and Engineering (or as the case may be)*) or as a Principal of or Assistant in a Collegiate Institute, or a High School, *as the case may be*.

(5) That this voting paper was signed by me on the day of the date thereof.

(6) That I vote in my right as graduate of _____ University (*or Principal of, or Assistant in a Collegiate Institute or a High School, as the case may be*).

(7) (In the case of a Principal of, or Assistant in a Collegiate Institute or in a High School) That I am now actually engaged in teaching in a Collegiate Institute (*or in a High School, as the case may be*) viz., in the _____ at _____

Witness my hand this _____

day of _____

19 .

A. B.

SCHEDULE B.

(Section 129.)

Provisions of the agreement between the Trustees of the University of Toronto and Trinity College which are not to be affected by the Act.

"The parties of the second part shall be entitled to have lectures in the University subjects as defined by *The University Act, 1901*, delivered by the professors and other instructors of the University of Toronto at Trinity College in all subjects of the general or pass course, and as far as practicable in all subjects of the several honour courses, but it is hereby declared that it is not intended that there shall be any duplication of lectures or other instruction for the purposes of which scientific apparatus or other means of demonstration are required which are not provided by Trinity College, and which cannot be conveniently taken from the University buildings to Trinity College.

"All arrangements for such lectures, including the time table of lectures and the personnel of lecturers, shall be made in such manner as to afford to the students enrolled at Trinity College the same advantages in regard to the University lectures as are afforded to the students of the other Arts colleges, and the said arrangements shall be made in each year by the President of the University of Toronto and the Provost of Trinity College, and, in the event of their being unable to agree on any matter, the same shall be forthwith referred for final decision to such person as they may designate in writing under their hands, and, in the event of the President and the Provost being unable to agree upon such referee within one week after such disagreement on any matter as aforesaid, such referee shall be appointed by the Minister of Education, and a decision in writing of such referee, by whomsoever chosen, shall be final.

"The expenses connected with the duplication of lectures as aforesaid shall be assumed by the Government as a permanent charge on the provincial revenues in consideration of the suspension by Trinity College of its degree conferring powers, and of its surrender to the University of Toronto of all fees in connection with degrees other than those of Theology.

"A site to be agreed on between the said parties hereto in or near the Queen's Park, in the City of Toronto, on the lands vested in the parties of the first part, shall be reserved for the parties of the second part, on which they may erect at their own expense a building for the use of the students of Trinity College while attending lectures in the University buildings.

"Such site shall be occupied by the parties of the second part free of ground rent and all other charges so long as the federation of the universities continue, but, in the event of the withdrawal of the parties of the second part from federation the said building shall be purchased from the said parties of the second part by the said parties of the first part at a valuation to be determined by the arbitration of two indifferent persons to be appointed, one by each of the parties hereto, their successors or assigns, and this provision shall be deemed to be and shall be a submission under *The Arbitration Act*.

"Until the erection of such building students from Trinity College attending University lectures shall be allowed the use of some suitable rooms in one of the University buildings.

"Subsections 1 and 2 of section 43 of the said Act are hereby declared to be incorporated in and to form part of this agreement.

"The Senate of the University of Toronto shall enact such statutes as may be necessary to enable the University of Toronto to confer on undergraduates and graduates of Trinity College the degrees provided for by subsection 2 of section 3 of *The University Act, 1901*, which are now conferred by Trinity University.

"The examination for the said degrees shall be conducted by the University of Toronto through examiners nominated by the parties of the second part, and the said degrees shall be conferred by the University of Toronto upon the report of the said examiners.

"All students of Trinity Medical College who have not matriculated at the date of the issue of the proclamation of the federation of the two universities shall be allowed two years from that date to matriculate in the University of Trinity College under the regulations in force at the date of federation."

6 Edw. VII. c. 55, Sched. 2.

CHAPTER 280.

An Act respecting Upper Canada College.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Upper Canada College* Short title Act. 63 V. c. 55, s. 1.

2. In this Act:—

(a) "Board" shall mean Board of Governors of Interpretation. Upper Canada College.

(b) "College" shall mean Upper Canada College.

BOARD OF GOVERNORS AND CONSTITUTION.

3. Upper Canada College and the property, revenue, Board of Governors. business and affairs thereof shall continue to be under the government, management, conduct and control of a Board of seventeen Governors, to be elected or appointed as hereinafter mentioned, who shall continue to be a body corporate by the name of Upper Canada College. 63 V. c. 55, s. 3.

4.—(1) The Board shall be constituted as follows:

Board, how constituted.

(a) Six members *ex-officio*:

(1) The Chief Justice of Ontario.

(2) The Honourable the Minister of Education of Ontario.

(3) The Treasurer of the Law Society of Upper Canada.

(4) The Chancellor of the University of Toronto.

(5) The President of the Board of Trade of the City of Toronto.

(6) The President of the Upper Canada College Old Boys' Association.

(b) Eleven other members,

eight of whom shall be appointed by the Board and three elected by the Upper Canada College Old Boys' Association.

Term of office
of appointed
members.

(2) The members of the Board in office at the time of the passing of this Act shall hold office for the remainder of the respective terms for which they were appointed or elected and until their successors are chosen.

Retirement,
annually, of
two appointed
members.

(3) Of the eight members appointed by the Board two shall retire annually on the first day of January in each year but shall remain in office until their successors are chosen.

Vacancies.

(4) The vacancies occasioned by the two members retiring annually and every other vacancy occurring at any time in the eight memberships shall be filled by the Board by appointment.

Retirement
of elected
members.

(5) The remaining three of the eleven members shall be elected by the Upper Canada College Old Boys' Association and shall hold office for three years from the date of their election, and their successors shall be elected by the Upper Canada College Old Boys' Association or by such committee thereof as the by-laws or rules of the Association provide for every three years.

Vacancies.

(6) Any vacancy occurring during any such period of three years in the representatives of the Association shall be filled by the Association or Committee by the election of another member or members in like manner.

By-laws, as to
elections.

(7) The mode of election of the Governors to be elected by the Association and the qualifications of electors and of such Governors shall be fixed by by-law of the Association.

Re-election.

(8) The retiring members of the Board shall be eligible for re-appointment or re-election. 63 V. c. 55, s. 7. *Amended.*

Additional
member.

(9) If and while the same person fills the offices of Chief Justice of Ontario and Chancellor of the University of Toronto the President of the High Court Division of the Supreme Court of Ontario shall be a member of the Board. 3-4 Geo. V. c. 18, s. 45, *part.*

Declaring seat
vacant for
absence.

5. In the event of the removal from Ontario, or absence without leave for six successive months of any member of the Board, other than an *ex-officio* member, from the meetings of the Board the Board may by a resolution passed by a two-thirds vote of the members present at a meeting duly called for that purpose declare the seat of such member to be vacant. 63 V. c. 55, s. 8.

First meeting
of Board.

6. At the first meeting of the Board in each year after the 1st day of January, or at a meeting thereafter specially called for the purpose, the Board shall elect one of themselves to be chairman and he shall hold office during that year and until his successor is elected. 63 V. c. 55, s. 9.

PROPERTY OF THE COLLEGE.

7. The property now vested in the College and the principal of all money invested, other than money appropriated to the contingent fund hereinafter mentioned, and all subscriptions received for the purpose of endowment shall not, except as hereinafter provided, be diminished or expended but shall remain as a permanent fund for the support and maintenance of the College and for the purposes of this Act. 63 V. c. 55, s. 4 (1). Permanent fund.

8. All property, real and personal, that may hereafter be granted, devised or bequeathed to the College shall be vested in the College in trust for the purposes and support of the College subject to the provisions of this Act and to the terms of the grant, devise or bequest. 63 V. c. 55, s. 4 (1). Future property.

9. The income from the permanent fund and from the investments made by the College, the fees received for tuition and maintenance, the rents, issues and profits and interest or dividends from all property held for the benefit of the College, except property touching which it has been otherwise ordered by the donors, and all contributions received by the College for the purpose of being applied towards the maintenance of the College shall form the income fund of the College, and shall be at the disposal of the Board for the purposes of the College; and the Board may in its discretion from time to time appropriate any surplus for the purposes of creating a contingent fund or may add the same to the permanent fund of the College. 63 V. c. 55, s. 4 (5). Income fund.
Contingent fund.

10.—(1) All property now vested in or which shall be hereafter in any way acquired by or vested in the College shall be exempt from taxation in the same manner and to the same extent as property vested in the Crown for the public uses of Ontario. Exemption from taxation of property held by College.

(2) Such exemption shall also apply to any such property when occupied or used by the Principal or any master or other instructor of the College or by any other person *bona fide* in connection with the College. 1 Edw. VII. c. 42, s. 1, *part*. Property used by officers of College.

11. The real property vested in the College shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose; and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto. 1 Edw. VII. c. 42, s. 1, *part*. Property not liable to expropriation

12. All real property now or hereafter vested in the College shall so far as the application thereto of any statute of Application of Statute of Limitation.

limitation is concerned be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. 3-4 Geo. V. c. 18, s. 45, *part*.

POWERS OF BOARD AS TO EXPENDITURE, MORTGAGE, SALE, ETC.

Expenditure
for purchase
of land on
15th Oct.,
1900, vali-
dated.

13. The expenditure by the Board of part of the permanent fund of the College in the purchase of 22, 51-100 acres of land adjoining the land owned by the College on the 15th day of November, 1900, is declared to have been a valid expenditure of the money of the permanent fund for that purpose. 3-4 Geo. V. c. 18, s. 45, *part*.

Use of part
of perman-
ent fund.

14. The Board may from time to time temporarily use money, not exceeding in the aggregate \$30,000, of the permanent fund of the College for any purpose in connection with the maintenance or administration of the College, and may raise such money by pledge or mortgage of any securities or of the land of the College or any part thereof. 3-4 Geo. V. c. 18, s. 45, *part*.

Money may
be raised
temporarily
on mortgage.

15. The Board may raise money temporarily upon mortgage or charge of the land of the College or any part thereof pending sale for the purpose of acquiring other land and establishing the College elsewhere as hereinafter mentioned. 3-4 Geo. V. c. 18, s. 45, *part*.

Power to
sell and
dispose of

16. With the consent of the Lieutenant-Governor in Council the Board may from time to time sell and dispose of the land of the College or any part thereof. 3-4 Geo. V. c. 18, s. 45, *part*.

Change of
site author-
ized.

17. If such sale or sales of land be with the object of or shall necessitate the establishment and continuance of the College elsewhere in Ontario than upon its present site the proceeds of the sale shall be applied for that purpose so far as may be necessary, and all money not required for that purpose shall form part of the permanent fund of the College. 3-4 Geo. V. c. 18, s. 45, *part*.

OTHER POWERS.

Specific
powers of
Governors.

18. Without limiting the powers hereinbefore conferred the Board shall have power to

- (a) manage the endowment and permanent fund and all other property of the College but, except as aforesaid not to alienate or encumber the same or any part thereof, except the contingent fund and moveable property which may from time to time be disposed of by the Board as may be deemed best;

- (b) invest the endowment and permanent fund and all money which shall or may come into its hands for the purposes of the College, but subject to the limitations of any trust as to the same, upon mortgages of freehold or leasehold land, the debentures, bonds, stocks or other securities of any government or of any municipal corporation or school section in Canada;
- (c) lease any part of the property not required for the business or accommodation of the College for any term not exceeding forty-two years with provision for renewals, and for payment for buildings or improvements;
- (d) receive and invest, subject to the directions of the grant or bequest, all money granted or bequeathed for the purposes of the College and provide for free tuition and maintenance in the College of pupils nominated by persons subscribing to the endowment fund, and found master-ships, exhibitions, scholarships or prizes to be named as the donors may direct and the Board may approve;
- (e) authorize such permanent improvements, alterations or additions to the buildings of the College or the erection and equipment of such new buildings as may be desired, and the purchase of land for the erection of new buildings, and direct that the cost thereof shall be paid out of the permanent fund, but they shall not impair the permanent fund of the College without the consent of the Lieutenant-Governor in Council, or to an extent that would interfere with the payment of any charges in respect thereof;
- (f) borrow money for the purposes mentioned in clause (e) to the extent of \$25,000 upon the security of subscriptions of money to or for the benefit of the College which are made payable by the terms of the subscriptions at some future date or by instalments. 63 V. c. 55, s. 10.

APPOINTMENT OF OFFICERS AND GENERAL POWERS.

19. The Board shall appoint the Principal, Masters, Bur-sar and other officers and servants of the College, and shall have the control, management and government of the College and, subject to the provisions of this Act, also of all its properties, endowment, funds, assets, income and revenues, and may pass by-laws, rules and regulations for the working and management of the College including the establishment of master-ships, exhibitions, scholarships and prizes and fixing

Appointment
of Principal,
Master, etc.,
and general
powers.

the salaries of the Principal, Masters, Bursar, officers and servants, and also as to all matters pertaining to the business, meetings and transactions of the Board, and may fix the quorum necessary for meetings of the Board, and may act by such committees as they may deem proper to appoint. 63 V. c. 55, s. 5.

GENERAL.

Execution of instruments.

20. Subject to the by-laws of the Board all conveyances, grants, leases, discharges or assignments of any property held by or for the College shall be made by the Board under its corporate seal which shall be attested by the signatures of the Chairman or some person thereto authorized by the Board and of the Bursar. 63 V. c. 55, s. 13.

Superannuation.

21. The Board may make regulations for the retirement and superannuation of any master, officer or servant of the College, and any gratuity or superannuation allowance may be paid out of a fund to be provided for that purpose or out of the income fund as the Board shall direct. 63 V. c. 55, s. 14.

Returns to Lieutenant-Governor in Council.

22. The Board, when required by the Lieutenant-Governor in Council, shall make returns of the property of the College, real and personal, and furnish reports as to the state of the College with such details and information as he may from time to time require. 63 V. c. 55, s. 15.

Regulations by Principal.

23. The Principal, subject to the approval of the Board, may make regulations for the direction of the Masters, officers and servants in regard to their duties and for the discipline and instruction of the pupils of the College, for the conduct of the school and the management of the school buildings and grounds. 63 V. c. 55, s. 11.

Wedd and Martland Superannuation not to be affected.

24. Nothing in this Act shall affect or interfere with the provisions of any Order in Council relating to the superannuation of William Wedd and John Martland, formerly masters, in force on the 5th day of May, 1894. 3-4 Geo. V. c. 18, s. 45, *part*.

CHAPTER 281.

An Act respecting The Agricultural College.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Agricultural College Act*." 3-4 Geo. V. c. 76, s. 1. Short title.

2. "The Ontario Agricultural College and Experimental Farm" is hereby continued. 3-4 Geo. V. c. 76, s. 2. School of Agriculture continued.

3. The College shall be furnished with such land and buildings and with all such appliances, implements, tools and apparatus as may be necessary for theoretical and practical education in agriculture, horticulture and arboriculture; and the course of instruction therein shall be with reference to the following subjects: Appliances and equipment. Nature of instruction.

- (a) the theory and practice of agriculture;
- (b) the theory and practice of horticulture;
- (c) the theory and practice of arboriculture;
- (d) the elements of the various sciences, especially chemistry, theoretical and practical, applicable to agriculture and horticulture;
- (e) the technical English and mathematical branches requisite for an intelligent and successful performance of the business of agriculture and horticulture;
- (f) the anatomy, physiology and pathology of the ordinary farm animals with the characteristics of the different varieties of each kind; with the management thereof in the breeding, raising, fattening and marketing of each, and with a knowledge of the cheese and butter factory systems;
- (g) the principles of construction and skilful use of the different varieties of buildings, fences, drainage systems and other permanent improvements, machinery, implements, tools and appliances necessary in agricultural and horticultural pursuits; and

(h) such other subjects as will promote a knowledge of the theory and practice of agriculture, horticulture and arboriculture. 3-4 Geo. V. c. 76, s. 3.

Education.

Study and apprenticeship.

4.—(1) The education and instruction shall be theoretical and practical; the former shall be known as a course of study and the latter as a course of apprenticeship; and the hours of labour in the latter course shall be regulated by the President of the College, with the approval of the Minister of Agriculture.

Allowance for expenses—Dispensing with apprenticeship.

(2) For the encouragement of labour in the course of apprenticeship an allowance in part liquidation of expenses may be made, but the course of apprenticeship may be dispensed with if a satisfactory examination be previously passed in all the operations therein required. 3-4 Geo. V. c. 76, s. 4.

Nature of experiments.

5. Experiments with the different varieties of cereals, grasses and roots; of trees, plants, shrubs, flowers and fruits; with different modes of cultivation; with different manures; with the breeding, raising, and fattening of animals; with the products of the dairy, and with whatsoever else may be of practical benefit in adding to the knowledge of the facts, principles and laws of the science and art of agriculture, horticulture and arboriculture under the climatic conditions of Ontario shall be carried out on the experimental farm, and the modes of procedure and results published from time to time. 3-4 Geo. V. c. 76, s. 5.

Publication of procedure and results.

Rules, regulations and curriculum of the college.

6. The government of the College shall be under and according to such rules and regulations as the Lieutenant-Governor in Council may from time to time prescribe; and such rules and regulations shall provide for the standard and mode of admission, the course of study and apprenticeship in each course in which instruction is given, and may authorize diplomas, certificates of proficiency, scholarships or other rewards to be given, after examination, in any subjects; and may also impose reasonable fees for attendance. 3-4 Geo. V. c. 76, s. 6.

Appointments to be made by the Lieutenant-Governor in Council.

7. The Lieutenant-Governor in Council may appoint a president and such professors, instructors, officers, assistants and servants as may be deemed necessary for the efficient working of the College and the promotion of its usefulness, and may regulate and prescribe their respective duties. 3-4 Geo. V. c. 76, s. 7.

Appointment of Advisory Board.

8.—(1) Upon recommendation of the Minister of Agriculture the Lieutenant-Governor in Council may appoint an Advisory Board consisting of not more than seven members to advise and assist the Minister of Agriculture in the management of the College and Farm, and may prescribe its duties

and powers and the period for which the members shall continue in office.

(2) The Board shall be composed as follows: The Deputy Minister of Agriculture who shall act as chairman, the President of the College, and three graduates or associates of the College who are residents of Ontario and not members of the staff. Composition of.

(3) The Minister may recommend as additional members not more than two persons who are not graduates or associates of the College. Idem.

(4) The members of the Advisory Board shall be paid for attending the meetings of the Board an allowance not exceeding \$4 per day, and also their actual necessary travelling expenses in attending the meetings. 3-4 Geo. V. c. 76, s. 8. Allowance for attending meetings.

9. The sessions, terms and vacations shall be fixed by the Lieutenant-Governor in Council. 3-4 Geo. V. c. 76, s. 9. Sessions, terms and vacations.

10. The College is affiliated with the University of Toronto, subject to *The University Act*, to the extent of enabling the students of the college to obtain at the examinations of the university such rewards, honours, standing, scholarships, diplomas and degrees in agriculture as the university has authority to confer. 3-4 Geo. V. c. 76, s. 10. Affiliation of the College with the University of Toronto. Rev. Stat. c. 279.

11. In connection with the College there shall be a museum of agriculture and horticulture, together with the scientific and technical branches relating thereto, in order to afford aids to practical instruction and illustrations of the agricultural and horticultural products of Ontario; as well as a botanical and chemical laboratory to which vendors of seeds and artificial manures may send such seeds and manures in order that, after the proper inspection and tests, their purity and strength may be reported for the benefit and protection of the agricultural community. 3-4 Geo. V. c. 76, s. 11. Museum and laboratory.

12. The Lieutenant-Governor in Council on behalf of the Province may accept, hold and enjoy any gifts, bequests or devises of real or personal property or effects which any person may think fit to make for the purposes of the College, museum or laboratory. 3-4 Geo. V. c. 76, s. 12. Gifts, bequests, etc., to college, museum or laboratory.

13. The Lieutenant-Governor in Council may make such regulations as may be deemed expedient touching the conduct of the students, and their attendance on public worship in their respective churches or other places of religious worship and respecting their religious instruction by their respective ministers according to their respective forms of religious faith, and every facility shall be afforded for such purposes. 3-4 Geo. V. c. 76, s. 13. Facilities for acquiring religious training.

Orders in
Council to
be laid
before
Assembly.

14. Every Order in Council made under this Act shall be laid before the Assembly forthwith if the Assembly is then in session, and if not then in session then within fifteen days after the opening of the next session; and if the Assembly at such session, or if the session does not continue for three weeks after the Order is laid before the House then at the ensuing session of the Legislature, disapproves by resolution of the Order in Council the same, so far as so disapproved of, shall have no effect from the time of such resolution being passed. 3-4 Geo. V. c. 76, s. 14.

Reports and
returns to
the
Assembly.

15. Full reports of the progress of the College and Farm shall be annually returned and submitted to the Assembly, which reports shall, amongst other things, contain

- (a) a tabular statement with the name and residence of each student attending in each session of the year, together with the name, residence and occupation of his parent or guardian, the number of classes that each student attended, and his progress and efficiency therein;
- (b) a return of the names of the professors, instructors and assistants, with a summary of the instruction given by each;
- (c) a copy of the examination papers used in the sessional examinations, and the results thereof;
- (d) a summary of the operations in the various departments of the farm;
- (e) a clear and succinct account of the modes of procedure and results of the various experiments carried on during the year;
- (f) a detailed statement of the income and expenditure of the College and Farm for the year;
- (g) a copy of all rules and regulations made during the year by the Lieutenant-Governor in Council regarding the standard and mode of admission, the course of study and the course of apprenticeship;
- (h) a comparative statement showing the progress of the College and Farm from year to year. 3-4 Geo. V. c. 76, s. 15.

CHAPTER 282.

An Act respecting The Ontario Veterinary College.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Veterinary College Act*. Short title
9 Edw. VII. c. 96, s. 1.

2. The Ontario Veterinary College heretofore established in the City of Toronto and conducted by the Ontario Veterinary College, Limited, and to which certain powers were given by the former Agriculture and Arts Association, is continued as The Ontario Veterinary College under the direction of the Minister of Agriculture. 9 Edw. VII. c. 96, s. 2. Ontario Veterinary College, continued.

3. The College shall be furnished with all such appliances and equipment as may be necessary for theoretical and practical training in the science and art of veterinary medicine, and in such other branches of education as may be requisite for the intelligent and successful performance of the business of a veterinary surgeon. 9 Edw. VII. c. 96, s. 3. Appliances and equipment of College

4. The Lieutenant-Governor in Council may appoint a Principal and such professors, lecturers and instructors as may be deemed necessary for giving instruction in the College and the promotion of its usefulness, and may pass by-laws regulating and prescribing their respective duties. 9 Edw. VII. c. 96, s. 4. Principal and officers.

5. The Lieutenant-Governor in Council may authorize the making of arrangements whereby instruction in any of the subjects prescribed to be taught in the College may be provided by the University of Toronto or by the Ontario Agricultural College or by any other College affiliated with the University of Toronto. 9 Edw. VII. c. 96, s. 5. Substitution of courses in Agricultural College, etc.

6. The government of the College shall be under and according to such rules and regulations as the Lieutenant-Governor in Council may from time to time prescribe, and such rules and regulations shall contain provisions for the standard and mode of admission, the course of study, the fees to be charged, the sessions, terms and vacations, and such provisions as may be deemed expedient touching the conduct of students. 9 Edw. VII. c. 96, s. 6. Government and control of College.

Rights and standing of graduates.

7. Every student upon the successful completion of the course of study, upon passing the prescribed examinations and upon satisfactory compliance with the rules and regulations of the College shall be admitted to the standing of a Veterinary Surgeon and shall have all the privileges and rights accorded by statute to a Veterinary Surgeon; and there shall be issued to every such student a diploma granting him the title, degree and standing of Veterinary Surgeon; and such diploma shall be attested by the signatures of the Principal of the College and the Minister of Agriculture. 9 Edw. VII. c. 96, s. 7.

Issue of duplicate diploma in certain cases.

8. The Lieutenant-Governor in Council may by order make provisions whereby in case of the loss or destruction of any diploma issued by the former Agriculture and Arts Association, the former Ontario Veterinary College, Limited, or by the Minister of Agriculture, a duplicate diploma may be issued to the person entitled to the same. 9 Edw. VII. c. 96, s. 8.

Accepting gifts, etc., on behalf of College.

9. The Lieutenant-Governor in Council on behalf of the Province may accept, hold and enjoy any gifts, bequests or devises of personal or real property or effects which any person or any government may think fit to make for the purpose of the College. 9 Edw. VII. c. 96, s. 9.

Advisory board.

10. The Lieutenant-Governor in Council may, if deemed advisable, appoint an Advisory Board to advise and assist the Minister of Agriculture in the management of the College, and may by Order in Council prescribe its duties and powers and the amounts to be allowed for the services and expenses of the members of such Board. 9 Edw. VII. c. 96, s. 10.

Affiliation with University of Toronto, continued.

11. The College is affiliated with the University of Toronto to the extent of enabling the students of the said College to obtain at the examination of the University such rewards, honours, standing, scholarships, diplomas and degrees in Veterinary Science as the University has authority to confer. 9 Edw. VII. c. 96, s. 11.

Annual report of Principal.

12. The Principal of the College shall at the close of each year present to the Minister of Agriculture a report upon the work of the College in such form as the Minister may approve, setting forth the staff, the course of instruction, the students in attendance, the examination results, the income and expenditure and such general information as shall show the work being done; and this report shall be laid before the Assembly within the first thirty days of the session next ensuing. 9 Edw. VII. c. 96, s. 12.

Power to purchase or lease lands, etc.

13. The Lieutenant-Governor in Council may purchase or acquire or lease such buildings and premises as may from

time to time be required for carrying on the work of the College. 9 Edw. VII. c. 96, s. 13.

14. The lease of the buildings and premises used by the College from one Andrew Smith to the Minister of Agriculture, as representing His late Majesty King Edward the Seventh, and bearing date the twenty-eighth day of July, one thousand nine hundred and eight, is hereby approved. 9 Edw. VII. c. 96, s. 14.

Lease from
Andrew Smith
approved.

15.—(1) No person or persons, association, company or organization other than is authorized under this Act shall, by advertisement or otherwise, use the name of the Ontario Veterinary College; and no person or persons, association, company or organization shall, by advertisement or otherwise, use any name similar or analogous to that of the Ontario Veterinary College without first receiving the consent of the Minister of Agriculture in writing.

Prohibition
against using
name of the
College.

(2) Any person violating the provisions of this section shall incur a penalty not exceeding \$50 and in default of payment thereof shall be liable to imprisonment for not less than thirty days. 9 Edw. VII. c. 96, s. 15.

Penalty

CHAPTER 283.

An Act for the Establishment of Mining Schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Mining Schools Act*.

Interpretation
"Union
municipality."

2. In this Act "union municipality" shall mean a municipality composed of two or more townships. R.S.O. 1897, c. 303, s. 1.

By-laws for
establishment
of mining
schools.

3.—(1) The council of any city, town, village, township or union municipality may by by-law provide for the establishment within such city, town, village, township or union municipality, or elsewhere, of a mining school, and may by the by-law provide for the levying of a special annual rate upon the whole of the rateable property thereof for any term not less than ten nor more than thirty years for the establishment or maintenance of such school or both, or for the leasing of buildings or land, or for the purchase of land and erection of buildings, or for the purchase and maintenance of machinery, furnaces and scientific apparatus, and all other things necessary for the treatment of any ore or other mineral in Ontario, and of all the appliances necessary for the treatment of such ores or minerals by reduction, smelting and other works as well as all appliances, works, methods and systems necessary for the separation, amalgamation, manufacture or other treatment of the metals thereby produced, and for the maintenance of the necessary teaching staff.

Assent of
electors.

(2) No such by-law shall be finally passed until it has first received the assent of a majority of the electors of the municipality in the manner provided by *The Municipal Act* with respect to money by-laws. R.S.O. 1897, c. 303, s. 2.

Rev. Stat.
c. 192.

Establishment
of schools in
portions of
municipalities.

4.—(1) In case a petition is presented from any township forming part of a union municipality to the council of such union municipality praying for the passing of a by-law for any or all of the purposes mentioned in the next preceding section such council shall submit a by-law for the assent of the electors of such township in accordance with the prayer of the petition.

Council to
pass by-law
on assent
of electors.

(2) Upon the assent of a majority of the electors of such township being obtained to the passing of the by-law, the

councils shall pass the same and levy and collect a special annual rate upon the whole of the rateable property within such township for any term of years not less than ten nor more than thirty years for any of the purposes in the next preceding section mentioned. R.S.O. 1897, c. 303, s. 3.

5.—(1) Subject to the assent of the electors being first obtained as provided by section 3, the council of any city, town, village, township or union municipality may pass a by-law providing for the granting of aid by way of bonus to any such school now or hereafter established either in any township forming part of such municipality or elsewhere. Aid to mining schools from municipalities

(2) If debentures are issued for the bonus or for raising money to pay the same such debentures shall not be payable within any period less than ten years nor more than thirty years after the issue thereof. R.S.O. 1897, c. 303, s. 4. Issue of debentures—terms of.

6. The council of any county may by by-law passed by the votes of two-thirds of the whole number of members thereof grant aid to the extent of \$10,000 to any mining school now or hereafter established for any or all the purposes mentioned in section 3. R.S.O. 1897, c. 303, s. 5. Aid from counties

7. Every school so established or aided shall be under the management and control of a board of trustees who shall be elected annually, one by each of the cities, towns, villages, townships or union municipalities granting such aid, and the trustees shall be a body corporate under the name of "The Board of Trustees of the Mining School of . . .," and all the school land, buildings and property belonging thereto shall be vested in such corporation, and when any county council makes a grant such council shall be entitled to appoint one of the trustees of the board. R.S.O. 1897, c. 303, s. 6. Schools to be managed by board of trustees

8. Every school so established shall be conducted in accordance with the regulations of the Department of Education, and every teacher or instructor employed therein shall, before entering upon his duties, obtain a certificate or permit from the Minister of Education. R.S.O. 1897, c. 303, s. 7. Schools to be subject to regulations of Education Department

9. If any such school is established or aided by one municipality only or one portion of a municipality, such municipality or the township granting such aid shall elect three trustees for the purposes mentioned in section 7; and where two municipalities or two townships forming a part thereof grant such aid, each of such municipalities or of such townships shall elect two trustees. R.S.O. 1897, c. 303, s. 8. Number of trustees

Where school abandoned or departmental regulations violated.

10.—(1) If at any time a school established under this Act is abandoned or if the trustees of any such school refuse or neglect to comply with a regulation of the Department of Education the Minister of Education may by an order in writing signed by himself authorize the council or councils granting aid to such school to cease to collect or levy the rates hereinbefore provided for, and may direct the council to cease to pay over to the trustees of such school any sums in the hands of the council payable to the board.

Levying of rates not affected.

(2) This section shall not affect in any way the levying of rates for the payment of debentures issued under the provisions of this Act. R.S.O. 1897, c. 303, s. 9. *Amended.*

Application of railway aid clauses of Municipal Act. Rev. Stat. c. 192.

11. Except where inconsistent with this Act the provisions of *The Municipal Act* with regard to granting aid by any municipality or portion of a municipality to a railway shall apply to the by-law which may be passed under this Act. R.S.O. 1897, c. 303, s. 10.

Election and powers of trustees.

12. The members of a board of trustees shall be elected in the manner provided for the election of municipal councillors within the municipality establishing such a school or granting such aid, and the trustees shall, in so far as the same are applicable with regard to the management and control of the Mining School, possess the same powers and be subject to the same provisions of law as public school trustees. R.S.O. 1897, c. 303, s. 11.

Act incorporated with Municipal Act.

13. Except where inconsistent therewith this Act shall be read and construed as if it formed part of *The Municipal Act* and shall apply to municipalities formed under section 24 of that Act. R.S.O. 1897, c. 303, s. 12.

CHAPTER 284.

An Act respecting the Ontario College of Art.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The College of Art Act*. 2 Geo. Short title.
V. c. 79, s. 1.

2. In this Act,

Interpreta-
tion.

(a) "College" shall mean The Ontario College of Art; "College."

(b) "Council" shall mean the council of The Ontario "Council."
College of Art, constituted as hereinafter pro-
vided. 2 Geo. V. c. 79, s. 2.

3. There shall be established at the City of Toronto a Col- Establishment
lege of Art to be known as The Ontario College of Art. of College.
2 Geo. V. c. 79, s. 3.

4. The purposes of the College shall be

Objects.

(a) The training of students in the fine arts, including Training
drawing, painting, design, modelling and sculp- students
ture, and in all branches of the applied arts in in art.
the more artistic trades and manufactures; and,

(b) The training of teachers in the fine and applied arts. And
2 Geo. V. c. 79, s. 4. teachers

5. The control and management of the College shall con- Council.
tinue to be vested in the Council which shall be a body cor-
porate by the name of the Council of The Ontario College of
Art. 2 Geo. V. c. 79, s. 5.

6. The Council shall consist of members to be appointed How com-
posed.
as follows:—

(a) The Art Museum, The Ontario Society of Artists and Certain
the Canadian Art Club, The Canadian Manufac- bodies to
turers' Association and the Trades and Labour appoint two
Council of the City of Toronto shall each appoint members
two members; each.

(b) The Senate of the University of Toronto, The Muni- Certain
cipal Council of the City of Toronto, The Can- bodies to
adian National Exhibition, The Graphic Arts appoint one
member
each.

Society, The Toronto Society of Architects, The Ontario Association of Architects, the Applied Arts Society and the Toronto Camera Club shall each appoint one member; and

Five other members.

(c) The persons so appointed shall appoint five other persons, none of whom shall be a member of any of the corporations or associations mentioned in clauses (a) and (b), but who are considered by the appointing body specially interested in art education. 2 Geo. V. c. 79, s. 6.

Term of office.

7. The members of the Council shall hold office for two years from the date of their appointment and until their successors are appointed. 2 Geo. V. c. 79, s. 7.

Vacancies in Council among members appointed under s. 6, clauses a, b.

8.—(1) If a vacancy occurs among the members appointed as provided under clauses (a) and (b) of section 6 it shall be filled by the corporation or association appointing the member whose seat has become vacant.

Among members appointed by them.

(2) If a vacancy occurs among the members appointed under clause (c) of section 6 it shall be filled by the Council from the class of persons mentioned in such clause.

Term of office of member filling vacancy.

(3) Any person appointed to fill a vacancy shall hold office for the remainder of the term for which the member whose seat he is appointed to fill was appointed.

Vacating seat for absence.

(4) If a member of the Council absents himself from three consecutive meetings without being authorized by resolution entered upon the minutes he shall *ipso facto* vacate his seat. 2 Geo. V. c. 79, s. 8.

Failure to appoint representatives.

9. If any of the corporations or associations whose representation is provided for in section 6 and in subsection 1 of section 8 does not avail itself of the provisions of those sections at its first meeting after notification by the Council, or if any such corporation or association ceases to exist, the members of the council then in office may elect other representatives of Art interests in their place and stead who are not members of the other corporations or associations whose representation is provided for in section 6. 2 Geo. V. c. 79, s. 9.

Meetings.

10. The Council shall meet at least four times in every year, and one of such meetings, to be called the annual meeting, shall be held in the month of June upon such date as may be fixed by the by-laws of the Council. 2 Geo. V. c. 79, s. 14.

Quorum.

11. Five members of the Council shall form a quorum. 2 Geo. V. c. 79, s. 15.

12. The Council shall elect at its annual meeting from Officers among its members a Chairman, Vice-chairman and an Honorary Treasurer. 2 Geo. V. c. 79, s. 16.

13. The Chairman, or in his absence the Vice-chairman, Who to shall preside at all meetings, and if neither the Chairman or preside. Vice-chairman is present the members present shall choose a chairman of the meeting from among themselves. 2 Geo. V. c. 79, s. 17.

14. The Council shall have the control and government of Control of the College and shall appoint a principal and a secretary college. and the teachers, instructors, lecturers, officers, clerks and servants, and shall fix their remuneration and determine their duties. 2 Geo. V. c. 79, s. 18.

15. The Principal of the College shall be the chief execu- Principal tive officer and, subject to the regulations of the Council, to be chief shall control the organization and management of the College. executive officer. 2 Geo. V. c. 79, s. 19.

16. The Council by resolution, to be entered on the min- Authorizing utes, may authorize any corporation or association hereafter corporations established in Ontario for Art purposes to appoint not more or associa- than two members of the Council to represent such corpora- tions to tion or association thereon, and the provisions of this Act as appoint to members appointed under clauses (a) and (b) of section 6 members to and the filling of vacancies among such members shall there- council. after apply to the member or members appointed by the corporation or association. 2 Geo. V. c. 79, s. 20.

17. At its first meeting and thereafter at its annual meet- Auditors. ing the Council shall appoint for the ensuing year one or more auditors who shall be chartered accountants, and whose duties shall be to examine all books, accounts and vouchers of the Council and report on them at the next annual meeting. 2 Geo. V. c. 79, s. 21

18. Subject to the by-laws of the Council determining the Diplomas and courses of study and examinations the Council may confer certificates. upon students of the College the diploma of "Associate of the Ontario College of Art," and the right to affix the letters A.O.C.A. after their names, and may also issue other certificates of proficiency as may be provided for by the by-laws. 2 Geo. V. c. 79, s. 22.

19. The Council may arrange with the Department of Arrangements Education of Ontario for courses and examinations for with Depart- teachers of art and supervisors or art instructors in the ment of schools of Ontario. 2 Geo. V. c. 79 s. 23. Education.

20. The Council may make by-laws providing for:—

(a) the dates at which meetings shall be held;

By-laws.

Dates of
meetings.

- Procedure. (b) the conduct of meetings and the establishment of committees and the conduct of their business;
- Courses of study, fees, etc. (c) prescribing the courses of study and examination and the fees payable by students;
- Diplomas. (d) regulations for the awarding of diplomas and other certificates of the College;
- Scholarships and exhibitions of work. (e) the establishment of scholarships and the exhibition of the work of the students, and generally to do all things necessary for carrying out the true object and intent of the College. 2 Geo. V. c. 79, s. 24.

Grants from municipalities. **21.** The corporation of any municipality may make grants in aid of the College of such sums as the council of the municipality may deem expedient, and may make provision for the maintenance of pupils at the college who reside in or are the children of residents of the municipality. 2 Geo. V. c. 79, s. 25.

Power to hold or dispose of property. **22.** The Council may purchase, acquire, take by gift, devise or bequest and hold such real and personal property as it may deem necessary for the purposes of the College, and may mortgage, sell and otherwise dispose of the same as occasion may require. 2 Geo. V. c. 79, s. 26.

CHAPTER 285.

An Act to provide for the Establishment of a
Provincial Museum.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Royal Ontario Museum* Short title.
Act. 2 Geo. V. c. 80, s. 1.

2. In this Act "University" shall mean the University of Interpreta-
tion.
Toronto. 2 Geo. V. c. 80, s. 2. "University."

3. There shall be established at the City of Toronto a Pro- Provincial
Museum.
vincial Museum to be called The Royal Ontario Museum.
2 Geo. V. c. 80, s. 3.

4. The purposes of the Museum shall be— Objects.

(a) The collection and exhibition of objects of every kind calculated to illustrate the natural history of Ontario, and thereby to aid in a knowledge of what it is able to contribute to science and industry;

(b) The collection and exhibition of objects of any kind calculated to illustrate the natural history of the world and the history of man in all ages;

(c) Such other objects as may be authorized by the Lieutenant-Governor in Council. 2 Geo. V. c. 80, s. 4.

5. The control and management of the Museum shall be Board of
Trustees.
vested in a Board of Trustees and the Board shall be a body corporate by name of The Royal Ontario Museum, and is hereinafter referred to as "The Board." 2 Geo. V. c. 80, s. 5.

6. The Board shall consist of ten members including the Number of
members
ex-officio members. 2 Geo. V. c. 80, s. 6.

7. The Minister of Lands, Forests and Mines, the Minister of Education and the Chairman of the Governors of the University shall be Ex-officio
members.
ex-officio members of the Board, and the other seven members shall be appointed, four by the Lieutenant-Governor in Council and three by the Governors of the University. 2 Geo. V. c. 80, s. 7.

Appointed
members,
term of
office.

8. The appointed members of the Board shall hold office for three years and until their successors are appointed. 2 Geo. V. c. 80, s. 8.

Vacancies
in Board.

9. Vacancies in the Board shall be filled in the case of members appointed by the Lieutenant-Governor in Council by the Lieutenant-Governor in Council, and in the case of members appointed by the Governors of the University by the Governors, and any person appointed to fill a vacancy shall hold office for the remainder of the term for which the member whose seat he is appointed to fill was appointed. 2 Geo. V. c. 80, s. 9.

Chairman
and Vice-
Chairman.

10. The Board shall elect annually from its members a Chairman and a Vice-Chairman. 2 Geo. V. c. 80, s. 10.

Real
property.

11. The Board may purchase, acquire, take by devise and hold such real property as it may deem necessary for the purposes of the Museum, and may with the sanction of the Lieutenant-Governor in Council mortgage, sell and dispose of the same as occasion may require. 2 Geo. V. c. 80, s. 11.

Lands vested
in Board.

12. The land hereinafter mentioned which is now vested in the Governors of the University shall be and it is hereby vested in the Board for the purposes of a site for the Museum that is to say: Lots numbers 1 and 2 on the south side of Bloor Street in the City of Toronto, according to registered plan, Number 452E, made by Messieurs Speight and Van Nostrand, Ontario Land Surveyors, for the Governors of the University of Toronto, subject to the right which is hereby reserved, to the Governors of the University of Toronto, their successors and assigns at all times to maintain and operate the tunnels passing through the said land and the works connected therewith constructed for the purpose of their power plant and to keep them in repair, and the right at all times as occasion may require to enter upon the said land and the buildings thereon for the purpose of inspecting, maintaining and repairing such tunnels and works and to do all things which may be necessary or convenient for that purpose. 2 Geo. V. c. 80, s. 12.

Transfer of
museum in
Education
Department.

13. The Lieutenant-Governor in Council may direct that the objects contained in the Museum of the Department of Education be transferred to the Board on such terms and conditions as he may prescribe. 2 Geo. V. c. 80, s. 13.

Donation
to Board.

14. The Governors of the University and the governing body of any University or College federated or affiliated with the University and any corporation may donate to the Board, or may transfer to it on such terms and conditions as may be agreed on, any objects of the character mentioned in section 4 which are possessed by the University, College or corporation. 2 Geo. V. c. 80, s. 14.

15.—(1) The Governors of the University may provide ^{Grant from} out of the endowment of the University or by borrowing on ^{University} of the security of it, or under the provisions of ^{University} *The University Act*, a sum sufficient for the erection, equipment and furnishing of such buildings as the Board may deem necessary for the purposes of the Museum, not exceeding in the whole \$400,000.

(2) One-half of the sum so provided, including interest ^{Repayment} thereon, less \$100,000, which has already been repaid, shall be repaid by the Province to the Governors of the University in consecutive annual instalments of not more than \$50,000 each, and the same shall be charged upon the Consolidated Revenue Fund and be paid as directed by the Lieutenant-Governor in Council. 2 Geo. V. c. 80, s. 15.

16.—(1) The cost of the maintenance of the Museum shall ^{Cost of} be borne one-half by the Province and one-half by the Governors of the University. 2 Geo. V. c. 80, s. 16.

(2) The one-half of the cost of maintenance to be borne ^{Charged on} by the Province shall be chargeable on and shall be paid out ^{Province's} of the Consolidated Revenue Fund. 3-4 Geo. V. c. 18, s. 47.

17. The Board shall be deemed to be a department of the ^{Application} Government within the meaning of section 14 of ^{of Roy. Stat.} *The Ontario Public Works Act*, and for the purposes of that Act. 2 Geo. V. c. 80, s. 17.

18. All property vested in the Board shall be exempt from ^{Exemption} taxation for municipal, school and other purposes. 2 Geo. V. ^{from taxation.} c. 80, s. 18.

19. The Board may make by-laws, rules and regulations ^{By-laws, rules} for the management of the Museum and for the appointment ^{and regula-} of officers and servants, and such other by-laws as may be deemed necessary for carrying out the objects of this Act and the purposes for which the Museum is established. 2 Geo. V. c. 80, s. 19.

20. The by-laws of the Board may provide that the depart- ^{Designation} ments of the Museum be designated The Royal Ontario ^{of depart-} Museum of (*designating the department*) and that the per- ^{ments.} son having the supervision of a department be called the Director of it; and may determine what shall constitute a department within the meaning of this section. 2 Geo. V. c. 80, s. 20.

21. A certified copy of every such by-law, rule or regula- ^{Annulment} tion shall be transmitted to the Provincial Secretary within ^{of rules by} ten days after the passing of it, and the same or any part ^{Lieut. Gov.} of it may within one month after such transmission be ^{in Council.} annulled by the Lieutenant-Governor in Council. 2 Geo. V. c. 80, s. 21.

Accounts,
audit.

22.—(1) The accounts of the Board shall be audited at least once a year by the Provincial Auditor or by some person appointed by the Lieutenant-Governor in Council for that purpose.

Report on
receipts, ex-
penditures.

(2) The Board shall make an annual report of its transactions to the Lieutenant-Governor in Council, in which shall be set forth in detail the receipts and expenditures for the year ended on the next preceding thirtieth day of June, and of the investments as they stood at the end of such year, and such other particulars as the Lieutenant-Governor in Council may from time to time require.

And on
investments.

When to be
transmitted.

(3) Such report shall be transmitted to the Provincial Secretary on or before the first day of December next after the close of the year for which it is made, and shall be laid before the Assembly within the first ten days of its then next session. 2 Geo. V. c. 80, s. 22.

SECTION XVI.

RELIGIOUS MATTERS.

CHAPTER 286.

An Act respecting the Property of Religious Institutions.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Religious Institutions Act*. Short title. 2 Geo. V. c. 81, s. 1.

2.—(1) Where a religious society or congregation of Christians desires to take a conveyance of land for the site of a church, chapel, meeting-house, burial-ground, residence for a minister, book-store, printing or publishing office or for any other religious or congregational purpose such society or congregation may appoint trustees to whom, and their successors, to be appointed in such manner as may be specified in the conveyance, the land requisite for all or any of such purposes may be conveyed; and such trustees and their successors in perpetual succession, by the name expressed in the conveyance, may take, hold and possess the land and maintain and defend actions for the protection thereof and of their property therein.

(2) The conveyance to the trustees may be made to them under a collective name, and it shall not be necessary to set out their individual names as parties thereto, provided such names be set out or appear therein by recital or otherwise, and this shall apply to conveyances heretofore made as well as to those hereafter to be made.

(3) If the name by which any such religious society or congregation or trustees therefor have heretofore held or hereafter hold land under and pursuant to the powers of this Act has been or shall be changed by such religious society or congregation by by-law or resolution such change of name shall not prejudice or affect the title of the society or congregation or their trustees to the land. 2 Geo. V. c. 81, s. 2.

Conveyances to trustees appointed by Quarterly Official Boards of the Methodist Church.

3.—(1) If a Quarterly Official Board of the Methodist Church, under the discipline of that Church, appoints trustees for the purpose of taking a conveyance of land for any of the purposes mentioned in section 2 the land may be conveyed to the trustees according to the discipline and usage of such Church and their successors to be appointed in the manner specified in the conveyance authorized and used by such Church, and the conveyance shall have the same effect as a conveyance made to trustees appointed under subsection 2 of section 2.

Application of section.

(2) This section shall apply to any conveyance to trustees appointed by any such Board or by a Board of any of the Churches which united to form the Methodist Church executed prior to the 26th day of April, 1904. 2 Geo. V. c. 81, s. 3.

Conveyances executed prior to the passing of Act.

4. Every conveyance executed under this Act, or to trustees appointed by a Quarterly Official Board before the 26th day of April, 1904, shall be as valid and effectual if the same was registered before the expiration of twelve months after that day as if registered within twelve months after the execution thereof, except in so far as the same may be affected by the prior registration of other deeds or instruments relating to the same land; but in all cases where any person claiming to hold or to be entitled to any land included in any such conveyance on account of the omission to register the same shall, in virtue of such claim, have taken possession of such land before the eighth day of February, 1904, and also in all cases where the persons claiming to hold or to be entitled to such real property on account of such omission shall have actually sold or departed with, or shall have actually contracted to sell or depart with such land before the eighth day of February, 1904, the provisions of this section shall not render invalid any right or title to such land, but such right or title shall be taken and adjudged to be as if this Act had not been passed. 2 Geo. V. c. 81, s. 4.

Rights of persons claiming on account of invalidity of former conveyances.

Power to hold property in trust under 47 Vict. c. 88, sch. A.

5. Property real or personal may be devised, bequeathed, given or transferred to trustees appointed under the provisions of Schedule "A," of an Act passed in the forty-seventh year of the reign of Her late Majesty Queen Victoria and chaptered 88 for the special use of a congregation by way of endowment or otherwise, and such trustees may receive, hold, use, administer and dispose of such property in accordance with the trusts declared in the will, deed or other instrument creating such trust and not contrary to the rules, regulations or discipline of The Methodist Church, and in the event of failure or partial failure of any of the trusts so declared such property may be held, used, administered and disposed of in accordance with the purposes and in the manner from time to time provided for by such rules, regulations or discipline. 2 Geo. V. c. 81, s. 5.

6. Where trustees appointed as provided in sections 2 or 3 hold land for the purposes aforesaid or any of them and the religious society or congregation for which they hold the land desire to take a conveyance of additional land for any of such purposes, whether such additional land adjoins the land already held or not, and such religious society or congregation desires the same to be held by the same trustees, the society or congregation or, in the case of the Methodist Church, the proper Quarterly Official Board, may by resolution direct that such land be conveyed to the trustees by their collective name and upon the conveyance being so made the land shall vest in the trustees for the purposes declared by the conveyance and shall be subject to the provisions of this Act in the same manner as the other land held by the trustees. 2 Geo. V. c. 81, s. 6.

Conveyance of additional lands to trustees by their collective names.

7.—(1) Any congregation or society of Christians entitled to the benefit of any land held under the provisions of this Act, or otherwise, may by a resolution passed by a two-thirds vote of the persons entitled to vote in respect of the appointment of trustees increase or decrease the number of trustees by the conveyance or otherwise to be appointed for the purpose of holding such land; or may in like manner fix the number of trustees if the conveyance makes no provision as to their number.

Power to vary number of trustees.

(2) No such resolution shall be passed unless at a meeting of which notice has been given in the manner required for a meeting for the election of trustees for such land, stating that a proposal for increasing or decreasing or determining, as the case may be, the number of the trustees, will be considered at the meeting.

Notice, meeting and resolution.

(3) If the resolution provides for the appointment of more trustees than are authorized by the conveyance, or more than there are in fact if the number is not limited by the conveyance, the same shall take effect forthwith; and the additional trustees to be appointed may be elected at the meeting at which the resolution is passed or at a subsequent meeting.

Time when resolution for increase in number to take effect.

(4) If the resolution provides for a smaller number of trustees than the conveyance provides for the resolution shall not take effect until vacancies occur, by death or otherwise, reducing the number of trustees to the number provided for by the resolution; and no other trustee shall be appointed until the number has been reduced below the number authorized by the resolution. 2 Geo. V. c. 81, s. 7.

Time when resolution for reduction in number to take effect.

8.—(1) Where a debt has heretofore been or is hereafter contracted for the building, repairing, extending or improving of a church, chapel, meeting-house, residence for a minister, book-store, printing or publishing office or other building on land held by trustees for the benefit of any society or congregation in Ontario, or for the purchase of the land on which the same has been or is intended to be erected, the

Power to borrow money.

trustees, or a majority of them, may secure the debt or any part thereof by a mortgage upon the land; or may borrow money to pay the debt or part thereof and may secure the repayment of the loan and interest by a like mortgage upon such terms as may be agreed upon.

Where church building is not erected on land held by trustees.

(2) The authority conferred by this section shall extend to any land so held although the church or other building in respect of which the debt is contracted is not erected on such land. 2 Geo. V. c. 81, s. 8.

Power to join in mortgage of lands held under separate conveyances.

9. In the case of separate but contiguous parcels of land held under separate conveyances by trustees for the same religious society or congregation under this Act, if such parcels of land be so used, occupied, or built upon as to become indivisible except by the removal, alteration, or destruction, in whole or in part, of such user, occupation or building, the trustees of such parcels may join in any mortgage authorized by the next preceding section. 2 Geo. V. c. 81, s. 9.

Power to lease.

10.—(1) The grantees in trust named in any letters patent from the Crown, or the survivors or survivor of them, or the trustees for the time being appointed in manner prescribed in the letters patent, whereby land is granted for the use of a religious society or congregation and any other trustees for the time being entitled by law to hold land in trust for the use of a religious society or congregation may lease for any term not exceeding twenty-one years land so held by them at such rent and upon such terms as the trustees or a majority of them deem reasonable.

Power to agree in leases to renew.

(2) In such lease the trustees may covenant or agree for the renewal thereof at the expiration of any or every term of years for a further term of twenty-one years or a less period at such rent and on such terms as may then by the trustees for the time being be agreed upon with the lessee, his heirs, executors, administrators or assigns, or may consent or agree for the payment to the lessee, his executors, administrators or assigns of the value of any buildings or other improvements which may at the expiration of any term be on the demised premises; and the mode of ascertaining the amount of such rent or the value of such improvements may also be specified in the original lease.

And to pay for improvements by lessee.

Consent of society or congregation to lease.

(3) The trustees shall not so lease without the consent of the society or congregation for whose use they hold the land in trust, and such consent shall be signified by the votes of a majority of the members present at a meeting of the society or congregation duly called for the purpose; nor shall the trustees lease any land which at the time of making the lease is necessary for the purpose of erecting a church or place of worship or other building thereon or for a burial ground for the society or congregation.

Restrictions upon leasing.

(4) The trustees may, in their own names or by any name by which they hold the land, sue or distrain for rent in arrear, and may take all such means for the recovery thereof as landlords are entitled to take. 2 Geo. V. c. 81, s. 10. Remedies of trustees for rent in arrear.

11.—(1) Where land held by trustees for the use of a society or congregation becomes unnecessary to be retained for such use and it is deemed advantageous to sell it, the trustees for the time being may give public notice of an intended sale, specifying the premises to be sold and the time and terms of sale; and after publication of the notice once in each week for four successive weeks in a daily or a weekly newspaper published in or near the place where the land is situate they may sell the land at public auction according to the notice; but the trustees shall not be obliged to sell if in their judgment an adequate price is not offered. Power to sell. By auction.

(2) The trustees may thereafter sell the land either by public or private sale; but a less sum shall not be accepted at private sale than was offered at the public auction without the consent of the society or congregation. Private sale.

(3) This section shall not affect or vary any special powers or trusts for sale contained in any deed or instrument inconsistent herewith. 2 Geo. V. c. 81, s. 11. Special powers not affected.

12.—(1) Where land is held by trustees for the use of a religious society or congregation and a separate society or congregation is formed therefrom, the trustees for the time being may convey to the trustees of such separate society or congregation such part of the land as is no longer required for the use of the society or congregation for the use of which it is so held; but no such conveyance shall be made unless and until the assent thereto of such last mentioned society or congregation has been first obtained or the conveyance is sanctioned in the manner provided by section 15. Conveyance to trustees of new congregation.

(2) Every conveyance heretofore executed to any such separate society or congregation and so assented to or sanctioned shall be as valid and binding as if subsection 1 had been in force at the time such assent or sanction was given and such conveyance was executed; but this subsection shall not apply to a conveyance which is in question in an action pending on the 7th day of March, 1910, or which has heretofore been determined to be invalid or affect any adverse right or title acquired before that date. 2 Geo. V. c. 81, s. 12. As to such conveyance heretofore executed.

13.—(1) Where land is held by trustees for the use of any religious society or congregation and such society or congregation desires to unite with another society or congregation of the same denomination, the trustees for the time being may convey any land held by them to the trustees of such last mentioned society or congregation; but no such conveyance shall be made unless and until it is assented to or sanctioned in the manner provided by section 15. Conveyance where congregations unite.

Conveyances
heretofore
made.

(2) Every such conveyance heretofore made shall be as valid and binding as if subsection 1 had been in force at the time such assent or sanction was given and such conveyance was made. 2 Geo. V. c. 81, s. 13.

Conveyance
to denomina-
tional Board.

14. The trustees of any religious society or congregation may convey the land belonging to such society or congregation to any incorporated Board of the denomination of which such society or congregation forms part, but no such conveyance shall be made unless and until the assent thereto of such society or congregation has been first obtained or the conveyance is sanctioned in the manner provided by section 15. 2 Geo. V. c. 81, s. 14.

Consent of
society or
congregation
to sale.

15.—(1) Before any conveyance is executed in pursuance of a public or private sale the society or congregation for whose use the land is held shall be duly notified thereof, and its assent obtained to the execution of the deed, and such assent shall be signified by the votes of a majority of the members present at a meeting of the society or congregation duly called for the purpose.

Evidence of.

(2) Such assent shall be held in favour of the grantee, his heirs and assigns to be conclusively attested by the execution of the deed by the chairman at such meeting, or by the official head of such society or congregation, or by some person appointed at such meeting for the purpose; and the person assuming to execute the deed as chairman, official head or appointee shall be deemed to be such chairman, official head or appointee as the case may be.

Approval by
County Judge.

(3) Instead of such assent it shall be sufficient for the validity of any such conveyance that the sale be sanctioned and the conveyance approved of by the Judge of the County or District Court of the county or district in which the land is situate. 2 Geo. V. c. 81, s. 15.

Meeting
to deter-
mine how
successors to
trustees are
to be ap-
pointed, or
to appoint
trustees.

16.—(1) Any society or congregation on whose behalf land is now, has been or hereafter may be held by a trustee or trustees, without the manner of appointing successors being set forth in the grant, conveyance, or devise of such land, or which is or may be entitled to any land, at any time hereafter may assemble in a public meeting duly convened by notice in writing, signed by at least five members of such society or congregation, and affixed to the door of its place of worship, at least eight days previous to the day appointed for holding such meeting; and at such meeting, by the votes of a majority of the members present, may determine in what manner the successors to such trustee or trustees shall be appointed, or may appoint a trustee or trustees of any land to which the society or congregation is entitled, and determine in what manner their successors in the trust shall be appointed.

Effect of
registration of
proceedings.

(2) Any land to which the society or congregation is entitled shall from time to time vest in and be held by the

trustee or trustees to be appointed as hereinbefore mentioned, and their successors in the trust, immediately upon the registration of the proceedings without any or further conveyance or instrument. 2 Geo. V. c. 81, s. 16.

17. Where members or adherents in any locality of two or more religious societies desire to build a house for public worship, it shall be lawful for each of the societies respectively to appoint from time to time one trustee in the manner and form prescribed in this Act, and the trustees of the religious societies so united shall have the like powers as are conferred on trustees under this Act, and no others; and as to any act, deed or thing to be done or made by trustees under this Act which requires the sanction or assent of the society or congregation, the trustees under this section shall obtain the sanction or assent of each and every of the religious societies so united, to be ascertained and signified in the manner hereinbefore mentioned. 2 Geo. V. c. 81, s. 17.

The case of two societies desiring to build a house of worship.

18.—(1) A record of the proceedings of every meeting held under this Act shall be entered in the minute book or other official register of the acts and proceedings of the society or congregation, and shall be signed by the chairman and secretary thereof, and shall thereafter be deposited of record among the archives of the society or congregation, and a copy of such record verified by the affidavit of the chairman or secretary of the meeting may be recorded in the registry office of the registry division in which the land is situate.

Record of proceedings.

Deposit and registry thereof.

(2) A copy of such proceedings taken from the minute book or other official register of the society or congregation and certified by the clerk or custodian of the records of the society or congregation, or a copy certified by the registrar of the registry division wherein the same has been registered, shall be *prima facie* evidence of the contents thereof. 2 Geo. V. c. 81, s. 18.

Copy is evidence.

19. Trustees selling or leasing land under the authority of this Act shall on the first Monday in July in every year have ready and open for the inspection of the society or congregation which they represent, or of any member thereof, a detailed statement showing the rents which accrued during the preceding year, and all sums of money whatever in their hands for the use and benefit of the society or congregation which were in any manner derived from the land under their control or subject to their management, and also showing the application of any portion of the money which has been expended on behalf of the society or congregation. 2 Geo. V. c. 81, s. 19.

Duty of trustees as to accounting.

20. This Act shall not repeal, alter, affect or vary any of the provisions in any special Act contained with reference to any religious society or congregation, but, on the contrary, bodies.

This Act not to affect special Acts as to religious bodies.

any of such provisions which differ from or are inconsistent with any of the provisions of this Act shall prevail, and where any additional rights or privileges are conferred by this Act they shall be construed as supplementary to the provisions contained in any such special Act; and in every case the special trusts or powers of trustees contained in any deed, conveyance or other instrument shall not be affected or varied by any of the provisions of this Act. 2 Geo. V. c. 81, s. 20.

Power to
appoint
joint trustees
for two or
more burial
grounds
which adjoin
each other.

21.—(1) Whenever any two or more parcels of land adjoining each other, or in the same neighbourhood, are held as sites for burial grounds by different bodies of trustees, whether of the same or different denominations, societies or congregations, and such trustees think it desirable that such parcels should be vested in one body of trustees such two or more bodies of trustees, or the majority of each of such bodies, may by deed appoint trustees to whom and their successors, to be appointed in such manner as may be specified in such deed, all or any of the land vested in such appointing bodies of trustees as sites for burial grounds may be conveyed, and such trustees so appointed and their successors in perpetual succession by the name expressed in the deed may take, hold and possess the land thereby or thereafter conveyed to them as a site or sites for a burial ground, and maintain and defend actions for the protection thereof and of their property therein, and the several appointing bodies of trustees may, in or by the same deed of appointment or by any other deed or deeds, convey and assure all or any of the parcels of land so vested in them respectively to such trustees so appointed and their successors upon, with and subject to such trusts, powers, limitations and provisions not inconsistent with the purposes of a burial ground as shall by the parties thereto be deemed proper.

Assent of
congregations
or religious
body re-
quired.

(2) No such deed of appointment of trustees and no such conveyance or assurance shall be made or executed by any body, or the majority of any body, of trustees unless or until the society or congregation for whose use the land is held is duly notified thereof, and its assent obtained to the execution of such deed of appointment, or of such conveyance or assurance, and such assent shall be signified by the votes of a majority of the members present at a meeting of the society or congregation duly called for the purpose.

Evidence of
assent.

(3) Such assent shall be held in favour of such new trustees and their successors to be attested by the execution of the deed by the chairman at such meeting, or by the official head of such society or congregation, or by some person appointed at such meeting for the purpose; and the person assuming to execute the deed as chairman, official head, or appointee shall be presumed to be such chairman, official head, or appointee as the case may be. 2 Geo. V. c. 81, s. 21.

22.—(1) All the rights, powers, and privileges, conferred upon any society or congregation by this Act shall extend and apply to the Church of England in Ontario, formerly or otherwise called the United Church of England and Ireland in Canada, or the United Church of England and Ireland in Upper Canada, or the Church of England in Upper Canada.

Rights extended to the Church of England.

(2) The parson or other incumbent of the church for the time being and the churchwardens thereof shall, for the purposes of this Act, be deemed to be trustees within the meaning thereof.

Incumbent and churchwardens to be trustees within the meaning of Act.

(3) In cases within section 16 of the Act passed in the third year of the reign of Her late Majesty Queen Victoria, chapter 74, and intituled *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned*, the bishop, or parson, rector or incumbent or any successor or other person in whom the legal title or estate is vested, by, from or under any of them, shall also be deemed to be a trustee by whom the like rights and powers of trustees may be exercised as in the case of such trustees.

Bishop, etc., to be trustees under 3 V. c. 74, s. 16

(4) In cases of property vested in the bishop of any diocese in trust, not covered by the next preceding subsection, the bishop shall also be deemed to be a trustee by whom the like powers of trustees under this Act may be exercised as in the case of such trustees.

Property vested in the Bishop in trust.

(5) In cases of property vested in the synod of any diocese within the Act passed in the 7th year of the reign of Her late Majesty Queen Victoria, chapter 68, intituled *An Act to incorporate the Church Societies of the United Church of England and Ireland in the Dioceses of Quebec and Toronto*, and the Act passed in the 32nd year of the reign of Her late Majesty Queen Victoria, chapter 51, intituled *An Act to incorporate the Synod of the Diocese of Toronto and to unite the Church Society of the Diocese of Toronto therewith*, the synod shall also be deemed to be a trustee by whom the like rights and powers of trustees under this Act may be exercised as in the case of such trustees; and the powers of the synod under this subsection may be exercised by and through such boards and committees as the synod may by by-law appoint for that purpose.

Property vested in the Synod in trust within 7 V. c. 68 and 32 V. c. 51.

(6) Provided that land shall not be sold or leased, mortgaged or otherwise incumbered under the powers conferred by this Act except with the consent of the vestry of the church or congregation interested therein and of the bishop of the diocese and the executive committee of the synod of the diocese; and it is hereby declared that the consent of the vestry given in accordance with the rules and canons of such Church shall be deemed to be the consent of the congregation, and the execution of the conveyance by the bishop and by the secretary or secretaries of the synod, or a

How land may be sold or incumbered, consent requisite.

memorandum of consent indorsed thereon and signed by them, shall, in favour of the grantee, his heirs and assigns, be conclusive evidence of the consent of the bishop and executive committee. 2 Geo. V. c. 81, s. 22.

Rights extended to Roman Catholic Church.

23. All the rights and privileges conferred upon any religious society or congregation mentioned in section 2 shall extend in every respect to the Roman Catholic Church, to be exercised according to the government of that Church. 2 Geo. V. c. 81, s. 23.

Rights extended to Jews.

24. All the rights and privileges conferred upon any religious society or congregation mentioned in section 2 have been since the 7th day of April, 1891, and are hereby extended to and shall apply to any society or congregation of Jews professing the Jewish religion. 2 Geo. V. c. 81 s. 24.

SECTION XVII.

PUBLIC INSTITUTIONS.

CHAPTER 287.

An Act respecting The Reformatory for Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Reformatory Act*. Short title
3-4 Geo. V. c. 77, s. 1.

2. In this Act,

(a) "County" shall include district;

Interpreta-
tion.

"County."

(b) "Inspector" shall mean the Inspector designated by the Minister under *The Prisons and Public Charities Inspection Act* to whom is assigned the duty of inspecting the Reformatory for Ontario;

"Inspector."

(c) "Minister" shall mean the member of the Executive Council charged with the administration of this Act. 3-4 Geo. V. c. 77, s. 2.

"Minister."

3. "The Central Prison for the Province of Ontario," shall be called "The Reformatory for Ontario." 3-4 Geo. V. c. 77, s. 3.

Name of
prison.

4. The Lieutenant-Governor in Council may appoint for the Reformatory a superintendent, a surgeon, a bursar, an accountant, a storekeeper and such other officers as may be necessary. 3-4 Geo. V. c. 77, s. 4.

Appoint-
ment of
certain
officers.

5. The Lieutenant-Governor in Council may make regulations for the management and discipline of the Reformatory and for prescribing the duties and conduct of the superintendent, officers and employees therein, and as to the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons detained therein. 3-4 Geo. V. c. 77, s. 5.

Regulation

6.—(1) The Inspector may summarily suspend any officer for misconduct, of which the Minister shall be at once notified.

Power of
Inspector
over officers

and the suspension shall continue until the pleasure of the Lieutenant-Governor is known, and the Inspector may, until such pleasure has been intimated to him, cause any such officer so suspended to be removed beyond the precincts of the prison.

His duty.

(2) It shall be the duty of the Inspector to recommend the removal of any officer or employee whom he deems incapable, inefficient or negligent in the execution of his duty, or whose presence in the Reformatory he deems injurious to the interests thereof; and the pay of every officer so suspended shall cease during the period of such suspension. 3-4 Geo. V. c. 77, s. 6.

Transfer from common gaol to Reformatory.

7. A male person confined in a common gaol under sentence of imprisonment for an offence against any Act of this Legislature may by the direction and warrant of the Inspector be transferred from such common gaol to the Reformatory for the unexpired portion of the term of imprisonment to which he was sentenced or committed; and such person shall thereupon be imprisoned in the Reformatory for the residue of the term and shall be subject to all the regulations of the Reformatory. 3-4 Geo. V. c. 77, s. 7.

Convicts may be sentenced to Reformatory instead of common gaol.

8. The Court before which any male person is convicted under, or under the authority of an Act of this Legislature, of an offence punishable by imprisonment in the common gaol may sentence such person to imprisonment in the Reformatory. 3-4 Geo. V. c. 77, s. 8.

Transfer of prisoners.

9. The Minister or such other officer as may be authorized by the Lieutenant-Governor in Council may by warrant direct the removal from the Reformatory back to the common gaol, or from an industrial school for boys or an industrial farm to the Reformatory, of any person detained therein under the authority of any Act of this Legislature. 3-4 Geo. V. c. 77, s. 9.

Officer to deliver up prisoners for removal.

10. The superintendent of the Reformatory, or the superintendent of an industrial school for boys, or of an industrial farm, or the keeper of a common gaol, having the custody of any person ordered to be removed shall, when required so to do, deliver him up to the provincial bailiff or other officer or person who produces the warrant, together with a copy certified by the superintendent or gaoler of the sentence or order of committal of such prisoner and the date thereof as given to him on the reception of such person into his custody. 3-4 Geo. V. c. 77, s. 10.

Superintendent to receive prisoner and detain him.

11. The superintendent shall receive into the Reformatory every person certified to him as sentenced to imprisonment therein, or transferred thereto by warrant, and shall there detain him, subject to the rules, regulations and discipline

thereof, until the term of his detention is completed or until he is otherwise discharged in due course of law. 3-4 Geo. V. c. 77, s. 11.

12. The superintendent shall be the chief executive officer of the Reformatory, and as such shall have under the direction of the Inspector the execution, control and management of all its affairs, subject to the Regulations, and the superintendent shall be responsible for the faithful and efficient administration of the offices of every department of the institution except that of the bursar. 3-4 Geo. V. c. 77, s. 12.

13. The superintendent, the bursar, the accountant and every storekeeper and steward of the Reformatory shall give security to the satisfaction of the Minister and for such amount as he shall direct. 3-4 Geo. V. c. 77, s. 13.

14.—(1) The Inspector shall not, nor shall the superintendent or other officer or employee in such Reformatory, either in his own name or in the name of or in connection with or as the agent of any other person, provide, furnish or supply any materials, goods or provisions for the use of such Reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same or in any contract relating thereto.

(2) Every person who contravenes any of the provisions of this section shall incur a penalty of \$1,000. 3-4 Geo. V. c. 77, s. 14.

15. The superintendent shall not nor shall any officer or employee buy from or sell to any inmate in the Reformatory anything whatever, or take or receive to his own use or for the use of any other person any fee, gratuity or emolument from any inmate or visitor or any other person, or employ any inmate in working for him. 3-4 Geo. V. c. 77, s. 15.

16.—(1) Except under the Regulations no morphia, cocaine or other narcotic drug, and no intoxicating liquors within the meaning of *The Liquor License Act*, shall on any pretence whatever be brought into the Reformatory for the use of any officer or employee or person in the institution or for the use of any prisoner therein.

(2) Every person, other than an officer of the Reformatory acting under the Regulations, who gives any morphia, cocaine or other narcotic drug or intoxicating liquor, and every officer, employee or other person who gives or conveys tobacco in any form to any prisoner shall incur a penalty of \$40, recoverable under *The Ontario Summary Convictions Act*. 3-4 Geo. V. c. 77, s. 16.

17. The Reformatory shall be furnished with all requisite means for carrying on beneficial labour by the inmates in

shops and the various forms of labour, having for its base, clay, sand, gravel, stone, lime, agriculture, horticulture and dairying in all their various branches. 3-4 Geo. V. c. 77, s. 17.

Record of
conduct to
be kept.

18. A record of the conduct of the inmates of the Reformatory shall be kept. 3-4 Geo. V. c. 77, s. 18.

Sentences.

19.—(1) Every person sentenced directly to the Reformatory shall be sentenced to imprisonment therein for a period of not less than three months and for an indeterminate period thereafter of not more than two years less one day.

Considera-
tion by
Board of
Parole.

(2) The Ontario Board of Parole before paroling any inmate shall take into consideration his history for the purpose of determining whether he should be paroled. 3-4 Geo. V. c. 77, s. 19.

Employment
beyond the
precincts.

20.—(1) The Lieutenant-Governor in Council may authorize, direct or sanction the employment of any prisoner upon any specific work or duty beyond the limits of the Reformatory.

Conditions
of employ-
ment.

(2) Every such prisoner during such employment shall be subject to all the provisions of this Act and to the Regulations and discipline of the Reformatory, and to such other regulations of the superintendent as may be prescribed by the Inspector. 3-4 Geo. V. c. 77, s. 20.

Prisoner not
to be dis-
charged on
a Sunday.

21. When the term of imprisonment of any prisoner expires on a Sunday he shall be discharged on the previous Saturday unless he desires to remain until the following Monday. 3-4 Geo. V. c. 77, s. 21.

Detention of
prisoners if
labouring
under cer-
tain diseases.

22. No prisoner shall be discharged from the Reformatory at the termination of his sentence if then labouring under any contagious or infectious disease or under any acute or dangerous illness, but he shall be permitted to remain in the Reformatory until he recovers from such disease or illness; and any convict or prisoner remaining from such cause in the Reformatory shall be under the same discipline and control as if his sentence were still unexpired. 3-4 Geo. V. c. 77, s. 22.

Property
belonging
to Reforma-
tory.

23. The Reformatory shall be held to include all the land procured for such institution, and all buildings and machinery erected or used thereon and all carriages, waggons, sleighs or other vehicles for land carriage being the property of such Reformatory or employed in its service; and the superintendent shall have the custody and care thereof. 3-4 Geo. V. c. 77, s. 23.

Custody.

Contracts,
how to be
made.

24. All dealings and transactions on account of the Reformatory, and all contracts for goods, wares or merchandise

necessary for maintaining and carrying it on, or for the sale of goods prepared or manufactured in the Reformatory, or for the hire, labour or employment of any of the prisoners either within or without the limits of the Reformatory, shall be entered into and carried out by the Inspector of Prisons and Public Charities in his corporate name on behalf of His Majesty. 3-4 Geo. V. c. 77, s. 24.

25. For more efficiently carrying on the industries at the Reformatory the Minister may cause an account to be opened in any branch in Ontario of a chartered bank of the Dominion of Canada in the name of the "Reformatory Industries," with a credit from year to year to cover what may be required for the year for the purposes of the business in connection with such industries, not exceeding the estimated sales of the year as reported to the Assembly by the Minister. 3-4 Geo. V. c. 77, s. 25.

Account
with a bank
for the Re-
formatory
industries

26. The account shall be drawn upon in the manner hereinafter provided. 3-4 Geo. V. c. 77, s. 26.

Drafts on
account.

27. All money received by the Reformatory for and on account of goods sold of whatever kind shall be deposited from day to day in the bank to the credit of the account. 3-4 Geo. V. c. 77, s. 27.

Deposit of
money
received for
goods sold.

28. All cheques drawn upon the account shall be signed by the superintendent and bursar of the Reformatory and countersigned by the Inspector and the Minister. 3-4 Geo. V. c. 77, s. 28.

Cheques,
how signed
and counter-
signed.

29. Every cheque drawn upon the account shall, when presented to the several officers required to sign and counter-sign the same for signature, have attached thereto for the information of such officers the original bill, or a duplicate or certified copy of the original bill, for payment of which the cheque is issued, the bill having been theretofore certified by the accountant of the Reformatory to be correct. 3-4 Geo. V. c. 77, s. 29.

Bill to be
attached to
cheque when
presented
for sig-
nature.

30. At the end of each fiscal year there shall be paid over to the Treasurer of Ontario the balance of the money standing at the credit of the account. 3-4 Geo. V. c. 77, s. 30.

Payment of
balance to
Provincial
Treasurer.

31. The Provincial Auditor shall audit the industrial accounts of the Reformatory at least every three months. 3-4 Geo. V. c. 77, s. 31.

Audit

CHAPTER 288.

An Act respecting The Andrew Mercer Ontario Reformatory for Females.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Andrew Mercer Reformatory Act*. 3-4 Geo. V. c. 78, s. 1.

Interpretation.

2. In this Act,—

"Inspector,"
Rev. Stat.
c. 301.

(a) "Inspector" shall mean the Inspector designated by the Minister under *The Prisons and Public Charities Inspection Act* to whom is assigned the duty of inspecting the Reformatory;

"Minister."

(b) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;

"Reformatory."

(c) "Reformatory" shall mean The Andrew Mercer Ontario Reformatory for Females;

"Regulations,"

(d) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act or under *The Prisons and Public Charities Inspection Act*. 3-4 Geo. V. c. 78, s. 2.

Rev. Stat.
c. 301.

Object of Reformatory.

3. The Andrew Mercer Ontario Reformatory for Females shall be for the reception, detention and employment of such female offenders as are hereinafter mentioned. 3-4 Geo. V. c. 78, s. 3.

Appointment of certain officers.

4. The Lieutenant-Governor in Council may appoint for the Reformatory a superintendent, an accountant, a surgeon and such other officers as he may deem necessary. 3-4 Geo. V. c. 78, s. 4.

Regulations, etc.

5. The Lieutenant-Governor in Council may make regulations for the management and discipline of the Reformatory and for prescribing the duties and conduct of the superintendent and the officers and servants employed therein, and as to the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons detained therein. 3-4 Geo. V. c. 78, s. 5.

6. The Inspector may summarily suspend any officer for misconduct, of which the Minister shall be at once notified, ^{Power of Inspector over officers.} and the suspension shall continue until the pleasure of the Lieutenant-Governor is known, and the Inspector may, until such pleasure is intimated to him, cause any such officer so suspended to be removed beyond the precincts of the Reformatory.

(2) It shall be the duty of the Inspector to recommend the ^{His duty} removal of any officer whom he deems incapable, inefficient or negligent in the execution of his duty, or whose presence in the Reformatory he may deem injurious to the interests thereof; and the pay of every officer so suspended shall cease during the period of such suspension. 3-4 Geo. V. c. 78, s. 6.

7. The Inspector may make rules for the keeping of a correct record of the conduct of inmates, with a view to permitting any offender to be paroled upon the recommendation of ^{Encouragement of good behaviour.} the superintendent, approved by the Inspector and endorsed by the Ontario Board of Parole. 3-4 Geo. V. c. 78, s. 7.

8. A female detained in a common gaol under sentence of imprisonment for an offence against any Act of this Legislature may, by the direction and warrant of the Inspector, ^{Transfer from gaol to Reformatory.} be conveyed by a female bailiff appointed for that purpose from such common gaol to the Reformatory for the unexpired portion of the term of imprisonment to which she was sentenced or committed; and such female shall thereupon be imprisoned in such Reformatory for the residue of the term and shall be subject to all the regulations of the Reformatory. 3-4 Geo. V. c. 78, s. 8.

9.—(1) The Court before which any female is convicted ^{Female convict} under, or under the authority of any Act of this Legislature, of an offence punishable by imprisonment may sentence such female to imprisonment for an indefinite period not exceeding ^{may be sentenced to Reformatory.} two years in the Reformatory instead of the common gaol.

(2) Such female shall be conveyed to the Reformatory by ^{Female bailiff.} a female bailiff. 3-4 Geo. V. c. 78, s. 9.

10.—(1) The Minister or such other officer as may be ^{Re-transfer to gaol may be directed} authorized by the Lieutenant-Governor in Council may by warrant direct the removal from the Reformatory back to the common gaol of any female under sentence of imprisonment for an offence against any Act of this Legislature, and such female shall thereupon be conveyed to the common gaol by the female bailiff.

(2) The superintendent of the Reformatory, or the keeper of any common gaol, having the custody of any female ordered to be removed shall, when required so to do, deliver her up to the female bailiff who produces the warrant, together with a copy certified by the superintendent or gaoler of the sen- ^{Officer to deliver up prisoners for removal.}

tence and date of conviction as given to him on reception of such female into his custody. 3-4 Geo. V. c. 78, s. 10.

Copy of
sentence
sufficient
warrant.

11. Any female bailiff may convey to the Reformatory any female person sentenced or liable to be imprisoned therein and deliver her to the superintendent without any further warrant than a copy of the minute of the sentence taken from the records of the court before which she was tried and certified by the convicting justice or the clerk of the court; and the superintendent shall receive her into the Reformatory and detain her there, subject to all the rules, regulations and discipline thereof, until the expiration of her sentence or until she is otherwise discharged in due course of law. 3-4 Geo. V. c. 78, s. 11.

Superinten-
dent to
receive and
detain
prisoners.

Officer to
give and
take re-
ceipt for
prisoner.

12. The female bailiff shall give a receipt to the superintendent or gaoler for the prisoner, and shall thereupon without delay convey and deliver her with the certified copy into the custody of the superintendent of the Reformatory or of the gaoler of the gaol mentioned in the warrant, who shall give to such bailiff a receipt in writing for her; and the prisoner shall be kept in custody in such Reformatory or gaol until the expiration of her sentence, or until she is otherwise discharged in due course of law, unless she is in the meantime again removed under competent authority. 3-4 Geo. V. c. 78, s. 12.

Powers and
duty of
Superin-
tendent.

13. The superintendent shall reside within the institution and shall be the chief executive officer of it and as such shall have, under the direction of the Inspector, the execution, control and management of its affairs, subject to the Regulations, and the superintendent shall be responsible for the faithful and efficient administration of the offices of every department of the institution. 3-4 Geo. V. c. 78, s. 13.

Security by
accountant.

14. The accountant shall give security to the satisfaction of the Minister and for such amount as he shall direct for the faithful performance of the duties of the office. 3-4 Geo. V. c. 78, s. 14.

Officers not
to be inter-
ested in any
contract.

15.—(1) The Inspector shall not, nor shall the superintendent or other officer or employee of the Reformatory, either in his own name or in the name of or in connection with or as the agent of any other person, provide, furnish or supply any materials, goods, or provisions for the use of the Reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same or in any contract relating thereto.

Penalty.

(2) Every person who contravenes any of the provisions of this section shall incur a penalty of \$1,000. 3-4 Geo. V. c. 78, s. 15.

16. The superintendent shall not nor shall any officer or employee buy from or sell to any prisoner in the Reformatory anything whatever, or take or receive to his own use or for the use of any other person any fee, gratuity or emolument from any prisoner or visitor or any other person, or employ any convict in working for him. 3-4 Geo. V. c. 78, s. 16.

Officers not to engage in trade, etc., in the Reformatory.

17.—(1) Except under the Regulations no morphia, cocaine or other narcotic drug, and no intoxicating liquors within the meaning of *The Liquor License Act*, shall on any pretence whatever be brought into the Reformatory for the use of any officer or employee or person in the institution or for the use of any prisoner therein.

Prohibition of liquors and drugs. Rev. Stat. c. 215.

(2) Every person, other than an officer of the Reformatory acting under the Regulations, who gives any intoxicating liquors, morphia, cocaine or other narcotic drug, and every officer, employee or other person who gives or conveys tobacco in any form to any prisoner shall incur a penalty of \$40, recoverable under *The Ontario Summary Convictions Act*. 3-4 Geo. V. c. 78, s. 17.

Penalty. Rev. Stat. c. 90.

18. The Reformatory shall be furnished with all requisite means for enforcing the performance of beneficial labour by the inmates thereof. 3-4 Geo. V. c. 78, s. 18.

Beneficial labour.

19. All the land enclosed and used in connection with the Reformatory building shall be deemed to be part of the Reformatory. 3-4 Geo. V. c. 78, s. 19.

Reformatory, what to include.

20. All dealings and transactions on account of the Reformatory, and all contracts for goods, wares or merchandise necessary for maintaining and carrying it on or for the sale of goods prepared or manufactured in the Reformatory, or for the hire, labour or employment of any of the prisoners, shall be entered into and carried out by the Inspector of Prisons and Public Charities in his corporate name on behalf of His Majesty. 3-4 Geo. V. c. 78, s. 20.

Contracts, etc., how made.

21. When the term of imprisonment of any prisoner expires on a Sunday she shall be discharged on the previous Saturday unless she desires to remain until the following Monday. 3-4 Geo. V. c. 78, s. 21.

Prisoners not to be discharged on Sunday.

22. No prisoner shall be discharged at the termination of her sentence or transferred from the Reformatory to a gaol if she has syphilitic or other venereal disease, or any contagious or infectious disease, or is suffering from any acute or dangerous illness, but she shall remain in the Reformatory until the surgeon certifies to the Inspector that she has recovered from the disease or illness; and any prisoner so remaining shall be under the same discipline and control as if her sentence were still unexpired. 3-4 Geo. V. c. 78, s. 22.

Detention of prisoners if labouring under certain diseases.

(C)

CHAPTER 289.

An Act respecting Industrial Refuges for Females.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. 1. This Act may be cited as *The Female Refuges Act*.
3-4 Geo. V. c. 79, s. 1.

Interpretation.

2. In this Act,

"Industrial Refuge."

(a) "Industrial Refuge" shall mean an institution for the care of females, designated by the Lieutenant-Governor in Council as an institution to which females may be committed under this Act;

"Inspector."
Rev. Stat. c. 301.

(b) "Inspector" shall mean the Inspector designated by the Minister under *The Prisons and Public Charities Inspection Act*, to whom is assigned the duty of inspecting institutions under this Act;

"Minister."

(c) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;

"Superintendent."

(d) "Superintendent" shall mean the matron or other person in charge of such institution. 3-4 Geo. V. c. 79, s. 2.

Commitment or transfer of sentenced females to industrial refuges.

3.—(1) Any female, between the ages of fifteen and thirty-five years, sentenced or liable to be sentenced to imprisonment in a common gaol by a police magistrate may be committed to an industrial refuge; and any such female undergoing imprisonment in a common gaol including imprisonment for default of payment of a fine may be transferred by order of a police magistrate or of the Inspector to an industrial refuge to be there detained for an indefinite period not exceeding five years.

And of inmates of industrial schools.

(2) An inmate of an industrial school for girls may in like manner be transferred to and detained in an industrial refuge.

Religion of inmates.

(3) No Protestant female shall be committed or transferred under this Act to a Roman Catholic institution and no Roman Catholic female shall be committed or transferred to a Protestant institution. 3-4 Geo. V. c. 79, s. 3.

4. A correct record of the conduct of the inmates of an industrial refuge shall be kept with a view to permitting any inmate to be released on parole by the Inspector. 3-4 Geo. V. c. 79, s. 4. Rec. rd of conduct.

5. The Lieutenant-Governor may at any time order that any person who has been committed or transferred to an industrial refuge shall be discharged. 3-4 Geo. V. c. 79, s. 5. Discharge by order of Lieutenant-Governor.

6. The Inspector may direct the removal of any inmate who proves unmanageable or incorrigible from an industrial refuge to a common gaol or to The Andrew Mercer Ontario Reformatory for Females. 3-4 Geo. V. c. 79, s. 6. Transfer to gaol or Reformatory.

7. Any female bailiff to whom the warrant of the police magistrate or the Inspector is directed may convey to the industrial refuge named in the warrant the person named therein and deliver her to the Superintendent. 3-4 Geo. V. c. 79, s. 7. Female bailiff to make transfer.

8. An inmate who escapes from an industrial refuge may be again arrested without any warrant by any peace officer and returned to the refuge. 3-4 Geo. V. c. 79, s. 8. Recapture of escaped inmate.

9. No inmate shall be discharged from an industrial refuge if she has syphilitic or other venereal disease or is suffering from any contagious or infectious disease or has any acute or dangerous illness, but she shall remain in the industrial refuge until a legally qualified medical practitioner on the staff of the refuge gives a written certificate that such inmate has fully recovered from the disease or illness; and any inmate remaining from any such cause in the industrial refuge shall continue to be under its discipline and control. 3-4 Geo. V. c. 79, s. 9. Detention of inmates if labouring under certain diseases.

10. Where a legally qualified medical practitioner, having the care of the health of the inmates of an industrial refuge, certifies that an inmate on account of natural imbecility is so feeble-minded as to render it probable that she would be unable to take care of herself if discharged from the refuge, she shall not be discharged until such medical practitioner, with the approval of the Inspector, orders her discharge. 3-4 Geo. V. c. 79, s. 10. Special provision for detention of feeble-minded inmates.

11. No person shall be committed to an industrial refuge without the consent of the Superintendent. 3-4 Geo. V. c. 79, s. 11. Consent of superintendent to committal.

12. Every industrial refuge shall be a house of correction for the purposes of *The Prisons and Reformatories Act of Canada*. 3-4 Geo. V. c. 79, s. 12. Refuges to be houses of correction. R.S.C. c. 146. s. 30.

CHAPTER 290.

An Act respecting Houses of Refuge.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PART I.

Short title.

1. This Act may be cited as *The Houses of Refuge Act*.
2 Geo. V. c. 82, s. 1.

Counties required to establish houses of refuge.

2.—(1) The corporation of every county, which has not already established and erected, shall forthwith establish and erect, and the corporation of every county shall at all times maintain a house of refuge for the reception of persons of the classes described in section 14.

Joint house of refuge.

(2) In lieu of establishing separate houses of refuge, the councils of two or three contiguous counties may, with the approval in writing of one of the Inspectors of Prisons and Public Charities, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint house of refuge for such counties.
2 Geo. V. c. 82, s. 2.

Establishment of by city or separated town.

3.—(1) The corporation of every city and separated town may establish, erect and maintain a house of refuge for the purposes mentioned in section 2.

Agreement with county as to establishment of.

(2) In lieu of establishing a separate house of refuge, the corporation of a city or separated town may, with the approval in writing of one of the Inspectors of Prisons and Public Charities, enter into an agreement with the corporation of the county in which the city or town is territorially situate for the establishment, erection and maintenance of and they may establish, erect and maintain a joint house of refuge for such city or separated town and such county.

Location of house of refuge.

(3) In the cases provided for by subsections 1 and 2, the house of refuge may be located within or without the limits of the city or separated town. 2 Geo. V. c. 82, s. 3.

Approval of plans.

4. A house of refuge shall not be erected until the plans of it have been approved by one of such Inspectors. 2 Geo. V. c. 82, s. 4.

Boards of management, for house established by county.

5.—(1) Where a county has established or shall hereafter establish a separate house of refuge the council shall appoint

two persons, who may be members of the council, and who with the warden shall form a board of management and shall have the management, regulation and control of the house of refuge, subject to the rules and regulations for the government of it and of its inmates made by the council under the authority of section 7.

(2) Where two counties agree to establish a joint house of refuge the councils shall by the agreement provide for the appointment of one person who, with the warden of each county, shall form the board of management, and where three counties agree to establish a joint house of refuge the board of management shall consist of the wardens of the counties. For house established by two counties.

(3) Where a city or a separated town and a county agree to establish a joint house of refuge the agreement shall provide for the appointment of one person who with the mayor of the city or town and the warden of the county shall form the board of management. For house established by county and a city or separated town. 2 Geo. V. c. 82, s. 5.

6. Where two or more corporations agree to establish a joint house of refuge the agreement shall provide as to the corporation to which any grant made under the provisions of Part II. shall be paid. Agreement to name corporation to receive grant. 2 Geo. V. c. 82, s. 6.

7.—(1) The council of a corporation which has established or hereafter establishes a separate house of refuge shall appoint a superintendent, a matron and other officers for its care and management, and prescribe their duties and fix their salaries and make rules and regulations for the government of the house of refuge and of its inmates. Appointment of officers. Rules and regulations.

(2) Except in the case provided for by subsection 1 the duties and powers mentioned in that subsection shall be performed and may be exercised by the Board of Management, except as to salaries, which shall be fixed by joint action of the corporations interested. Powers of Board. 2 Geo. V. c. 82, s. 7.

8. The rules and regulations provided for by the next preceding section shall not take effect until approved by the Lieutenant-Governor in Council. Approval of rules and regulations. 2 Geo. V. c. 82, s. 8.

9.—(1) The council of a county, which has established a house of refuge, and the council of a city or town may from time to time enter into agreements for connecting the house of refuge with the sewerage system of such city or town, and may pass all by-laws and do all things necessary to carry the agreement into effect. Agreements for extending sewerage system to houses of refuge.

(2) The council of the county may also contract with the Hydro-Electric Power Commission or with any municipal corporation, company or individual owning or operating a waterworks system, or works for the production and supply of electricity for light, heat or power in such city or town. The Contracts for supplying water and electric light and power.

for the supply of water for domestic purposes and for fire protection or of electricity for light, heat or power purposes at the house of refuge.

Power to carry necessary works over intervening lands.

(3) For the purpose of connecting such house of refuge with such sewerage or waterworks system or electrical works or with the system of The Hydro-Electric Power Commission the corporation of such county, its officers, servants, agents or workmen may enter upon and pass over any lands or highways lying between such house of refuge and such city or town; and may dig up such lands and highways and construct sewers and lay down any pipes and place all necessary poles or wires, and do all necessary work in or upon such lands and highways, making due compensation to the owners as provided by *The Municipal Act*.

Rev. Stat. c. 192.

Powers of municipalities acting jointly.

(4) Where two or more municipal corporations have established a joint house of refuge under the provisions of this Act they shall have, in respect of such house, all the powers conferred upon the council of a county by this section. 2 Geo. V. c. 82, s. 9.

Assent of electors to borrowing for houses of refuge not required.

10. It shall not be necessary to obtain the assent of the electors to a by-law for raising such sums as may be required for the purchase of a site or the erection of buildings for a house of refuge, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any works authorized by section 9; but the amount owing in respect of the same shall not at any time exceed \$50,000. 2 Geo. V. c. 82, s. 10.

Power to compel persons sent to house of refuge to work.

11.—(1) The council or the Board of Management, as the case may be, may provide for requiring every person sent to the house of refuge to perform such work or service at such times, for such hours, and at such trade or labour as he may appear to be fit for, and for buying material therefor, and for selling the articles manufactured therefrom, and for applying the earnings, or part of the earnings of such person, for his maintenance or for the maintenance of his wife and children, or for the general maintenance of the house of refuge, or towards aiding such person to reach his friends, or any place to which it may be deemed advisable to send him.

Detention of indigent persons.

(2) The council of a county, city or separated town which has established or joined in establishing under this Act a house of refuge may pass by-laws for committing to and detaining therein indigent persons; and a warrant of committal under the hand of the head of the council and the seal of the corporation shall be sufficient authority to the Superintendent of such house to receive and detain the person mentioned in it until he is discharged under the rules and regulations or by order of any of the Inspectors of Prisons and Public Charities. 2 Geo. V. c. 82, s. 11.

12.—(1) Where an inmate of a house of refuge desires to transfer his real or personal property, or any part of it, absolutely or by way of security to the corporation or corporations by which the house was established, as payment or compensation for his maintenance while he remains an inmate, or as may be agreed upon, the corporation or corporations may receive and hold such real or personal property and may dispose of the same in such manner as the council or councils may deem proper, or, if it is held only as security, it shall, upon the death of such person, be sold and disposed of, and the proceeds, after defraying the costs and expenses of and incidental to the sale, shall be applied in payment of the cost of the maintenance of such person, with interest at the rate of six per cent. per annum, and the surplus, if any, shall be paid to the personal representative of such person, upon demand.

Transfer of property to corporation by inmates of houses of refuge.

(5) No such transfer shall be valid, unless it is executed in the presence of a Judge of the County Court of the County in which the house of refuge is situate, and unless there is endorsed on it a certificate signed by the Judge, that he has examined the grantor, and is satisfied that the transfer is not improvident, and that it was made voluntarily, and that the grantor understood the effect of it, and desired to make the transfer.

Approval of transfer by county judge.

(3) Where an inmate of a house of refuge is or becomes possessed of any real or personal property out of which the cost of his maintenance or any part of it can be paid, if any sum is due for such maintenance and has not been paid, a Judge of the County Court of the County in which the house is situate may, on the application of the council of any municipality interested, and upon such notice to the inmate as he may direct, order that any part of such real and personal property be vested in the corporation or corporations by which the house was established for the purpose of securing payment of the cost of the maintenance so due, or which may thereafter become due, with full power to take or recover possession of, manage, lease, mortgage, sell and convey all or any part of such property in the name of the inmate, or may make such other order, limiting or extending such powers, as may be deemed proper, due regard being had to the value of the property, and as to what part, if any, of it is necessary for the support and maintenance of the family of the inmate.

Maintenance of inmates of house of refuge who are possessed of means.

(4) No conveyance, mortgage, lease or other instrument, purporting to transfer the property, shall be executed by the corporation or corporations until a Judge of the County Court of the County in which the house of refuge is situate shall have signified his approval of it by endorsement thereon.

Conveyance, mortgage, etc., to be approved by judge.

(5) Upon the death of the inmate, what remains of the property, after the claims thereon are fully paid and satisfied,

Transfer to personal representatives.

shall be transferred to his personal representatives. 2 Geo. V. c. 82, s. 12.

What accounts to be kept.

13. An account shall be kept of the cost of erecting, keeping, and maintaining the house of refuge, and of all materials furnished therefor, together with the names of the persons received into, and of those discharged from it, and also of the earnings of the inmates, and such other accounts as may be prescribed by the Lieutenant-Governor in Council. 2 Geo. V. c. 82, s. 13.

Who may be committed to house of refuge.

14.—(1) Any person authorized for that purpose by by-law of a corporation which has established or joined in establishing a house of refuge may, by writing under his hand, commit to such house of refuge:

- (a) Poor and indigent persons who are incapable of supporting themselves;
- (b) Persons without the means of maintaining themselves and able to work, who do not do so;
- (c) Feeble-minded persons not fit subjects for commitment to Hospitals for the Insane, or to Hospitals for Idiots, but for whom special custodial care is necessary.

Punishment of refractory inmates.

(2) Every inmate of a house of refuge, if able to work, shall be kept diligently employed at labour, and if he does not perform such reasonable task or labour as may be assigned to him, or is stubborn, disobedient, or disorderly, he shall be liable to be punished in accordance with the rules and regulations of the house of refuge. 2 Geo. V. c. 82, s. 14.

Special provision as to detention of feeble minded female inmate.

15. Where the physician having the care of the health of the inmates of a house of refuge certifies that a female inmate between the ages of 16 and 45 years, on account of natural imbecility, is so feeble-minded as to render it probable that she would be unable to care for herself if discharged from such house of refuge she shall not be discharged until such physician, with the approval of one of the Inspectors of Prisons and Public Charities, orders her discharge. 2 Geo. V. c. 82, s. 15.

Prohibition as to children of certain ages.

16. No child between the ages of two and sixteen years shall be received, held, boarded or lodged in a house of refuge. 2 Geo. V. c. 82, s. 16.

Inspection of houses of refuge.

17. One of the Inspectors of Prisons and Public Charities shall, at least once in every year, inspect every house of refuge and all books and documents relating to it, and examine into its sanitary condition, and shall report to the Provincial Secretary as to its management, and make such recommendations and suggestions in relation to it and to the method of keeping its books and accounts as he may deem

advisable, and a copy of such report shall be sent to the clerk of the council of every municipality having an interest in the house of refuge. 2 Geo. V. c. 32, s. 17.

PART II.

18.—(1) The Lieutenant-Governor in Council may direct that there shall be paid out of the Consolidated Revenue Fund to every county which establishes a house of refuge under this Act, and acquires not less than forty-five acres of land for use and uses it in connection therewith, a sum not exceeding one-fourth of the total amount expended by the corporation for such purpose, but not exceeding \$4,000.

Aid to counties establishing houses of refuge.

(2) Where two or more municipal corporations establish a joint house of refuge under this Act and have acquired not less than forty-five acres of land for use and use it in connection therewith, the Lieutenant-Governor in Council may direct that there shall be paid out of the Consolidated Revenue Fund a like sum to the corporation designated in the agreement for establishing the house of refuge as the one to which the grant is to be paid.

Case of joint establishment.

(3) Where there has been paid to a corporation in respect of a house of refuge a sum less than \$4,000 and thereafter additional land has been or is acquired for, or additional buildings have been or are erected in extending or improving such house of refuge, the Lieutenant-Governor in Council may direct that there shall be paid to such corporation out of the Consolidated Revenue Fund an amount which added to that already paid to it shall not exceed the sum which may be directed to be paid to a corporation under subsection 1.

Further grant where corporation paid less than \$4,000.

(4) An Order in Council shall not be passed until one of the Inspectors of Prisons and Public Charities has reported that the land and buildings are suitable for the purpose intended and are ready for occupation.

Report of Inspector.

(5) Every Order in Council shall, as soon as conveniently may be, be laid before the Assembly, and no such order shall be operative until it has been ratified by the Assembly. 2 Geo. V. c. 82, s. 18.

Order in Council to be ratified by Assembly.

CHAPTER 291.

An Act respecting Houses of Refuge in Provisional Judicial Districts.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title.** 1. This Act may be cited as *The District Houses of Refuge Act*. 2 Geo. V. c. 83, s. 1.
- Interpretation, "District."** 2. In this Act "District" shall mean a Provisional Judicial District. 2 Geo. V. c. 83, s. 2.
- How established.** 3. A House of Refuge may be established, erected and maintained in a District when a by-law authorizing the same has been passed in a majority of the organized municipalities of such District. 2 Geo. V. c. 83, s. 3.
- Joint Houses of Refuge.** 4. Two or more contiguous Districts, when by-laws authorizing the same have been passed in a majority of the organized municipalities in each of such Districts, may agree to unite in establishing a joint House of Refuge. 2 Geo. V. c. 83, s. 4.
- Approved by Lieutenant-Governor.** 5. When such by-laws have been passed certified copies shall be transmitted to the Provincial Secretary for the approval of the Lieutenant-Governor in Council, and, if approved of, a Board of Management shall be appointed as hereinafter provided. 2 Geo. V. c. 83, s. 5.
- Board of management.**
- How composed.** 6.—(1) The Board of Management shall be a corporation and shall consist of two persons resident in the District, and shall be appointed by the Lieutenant-Governor in Council for a term of three years, and in the case of contiguous Districts agreeing to join in a joint House of Refuge, the Board shall consist of two persons resident in each of the Districts appointed by the Lieutenant-Governor in Council for a term of three years.
- Term of office.** (2) The members of the Board shall hold office for a term of three years and until their successors are appointed. 2 Geo. V. c. 83, s. 6.
- Site for house.** 7. The Board shall select the site for the House of Refuge, which shall be inspected by one of the Inspectors of Prisons and Public Charities and approved by the Lieutenant-Governor in Council. 2 Geo. V. c. 83, s. 7.

8. The Board shall have charge of the erection and maintenance of the House of Refuge and shall have the same powers as provided for in sections 7 and 8 of *The Houses of Refuge Act*. 2 Geo. V. c. 83, s. 8. Powers of Board. Rev. Stat. c. 290.

9. The Board shall have the powers which are conferred upon the council of a county by sections 9, 10, 11, 12, 14, 15 and 16 of *The Houses of Refuge Act*, and those sections so far as applicable to a house of refuge established by a county shall apply to a house of refuge established under this Act. 2 Geo. V. c. 83, s. 9. Powers of county Councils conferred on Boards of management. Rev. Stat. c. 290.

10. The Lieutenant-Governor in Council may direct that there be paid out of the Consolidated Revenue Fund to the Board of each House of Refuge erected in a District and which has acquired not less than forty-five acres of land and uses it in connection therewith, a sum not exceeding \$4,000. 2 Geo. V. c. 83, s. 10. Grant from Consolidated Revenue Fund to Board of management.

11. Where two or more Districts establish a joint House of Refuge under this Act and have acquired one hundred acres of land and use it in connection therewith, the Lieutenant-Governor in Council may direct that there be paid to the Board out of the Consolidated Revenue Fund a sum not exceeding \$4,000 for each District uniting in the establishment of such joint House of Refuge. 2 Geo. V. c. 83, s. 11. In the case of a joint House.

12. The amount of the grant shall not in the case of a House of Refuge established for a District exceed the amount levied and collected in such District for the purpose of the establishment and erection of the House of Refuge, and in the case of a joint House of Refuge the aggregate of the amounts levied and collected for such purpose in the Districts by which the House of Refuge is established. 2 Geo. V. c. 83, s. 12. Assessment for maintenance.

13.—(1) The cost of establishing, erecting and maintaining a House of Refuge shall be defrayed by the corporations of the organized municipalities in the Districts by which it is established in proportion to the amount of their assessment according to the last revised assessment roll, and by the rate-payers in school sections in unorganized townships in proportion to the amount of the assessment for school purposes. Providing cost of maintenance.

(2) In unorganized townships the amount required to be raised for the purposes of this Act shall be apportioned by the Board among the different school sections in proportion to their respective assessments for school purposes, and shall be assessed, levied and collected by the same persons, in the same manner and at the same times as rates for school purposes, and shall when collected be paid over to the Board; and the provisions of law with respect to school taxes in unorganized townships shall, so far as practicable, apply *mutatis mutandis* to the rates levied under this Act. Apportionment of amount. In unorganized townships, etc.

In organized townships.

(3) The Board shall in each year apportion the amount which it estimates will be required to defray the expenditure for that year among the organized municipalities and school sections liable to pay the same, and shall on or before the 31st day of January notify the clerk of each municipality, and in unorganized townships the secretary of each school board, of the amount to be provided, and each municipality and school section in unorganized municipalities shall pay such amount to the Board on demand, and shall include the same in its estimates for the then current year and levy and collect the same in like manner as taxes are levied and collected. 2 Geo. V. c. 83, s. 13.

Notice of amount to be provided.

Aid from Legislative grants. Rev. Stat. c. 300. Rate.

14. A House of Refuge established under this Act shall be entitled to receive aid under *The Hospitals and Charitable Institutions Act* at the rate of seven cents per day for each inmate while he is maintained therein. 2 Geo. V. c. 83, s. 14.

Accounts to be submitted and audited.

15. The accounts of a House of Refuge shall be submitted quarterly to one of the Inspectors of Prisons and Public Charities, and audited in the same manner as accounts relating to the Administration of Justice in Districts. 2 Geo. V. c. 83, s. 15.

CHAPTER 292.

An Act respecting Industrial Farms.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Industrial Farms Act*. Short title.
2 Geo. V. c. 78, s. 1.

2.—(1) The council of a city, or of a county, may pass Industrial Farms in city or county. by-laws for establishing, equipping and maintaining an Industrial Farm, which in the case of a city may be established within or without the limits of the city, and for acquiring the land required for that purpose.

(2) An Industrial Farm may be established in a Provisional Judicial District. Provisional Judicial District by the Lieutenant-Governor in Council. 2 Geo. V. c. 78, s. 2.

3. Persons who are convicted of offences against any Act Who liable to be committed. of this Legislature or against a municipal by-law, or who may be lawfully committed to it for offences against the criminal law may be committed to such Industrial Farm or may be transferred from the common gaol to it. 2 Geo. V. c. 78, s. 3.

4. In lieu of establishing separate Industrial Farms the Joint Industrial Farm. councils of two or three contiguous counties, or the councils of a city and county, may, with the approval in writing of one of the Inspectors of Prisons and Public Charities, enter into an agreement for the establishment, equipment and maintenance of, and may establish, equip and maintain a joint Industrial Farm. 2 Geo. V. c. 78, s. 4.

5. An Industrial Farm shall not be established until the Site and plans must be approved and approved published. site and the plans for the buildings to be erected thereon have been approved by the Lieutenant-Governor in Council on the recommendation of one of the Inspectors of Prisons and Public Charities, and notice of such approval has been published in the *Ontario Gazette*. 2 Geo. V. c. 78, s. 5.

6. The sheriff of the county, district or city for which an Supervision of farms and appointment of Superintendent and Officers. Industrial Farm has been established, or where a joint Industrial Farm has been established, the sheriff of the county in which it is located, shall have the supervision of the Industrial Farm and shall, with the approval of the Lieuten-

ant-Governor in Council, appoint a superintendent and such other persons as may be required for its care and management, at such salaries, and with such privileges, as may be fixed by the Lieutenant-Governor in Council. 2 Geo. V. c. 78, s. 6.

Rules and regulations by Order-in-Council.

7. Rules and Regulations for the government and conduct of Industrial Farms, and the care of the inmates, may be made by the Lieutenant-Governor in Council. 2 Geo. V. c. 78, s. 7.

Agreements for extending sewerage system to Industrial Farm.

8.—(1) The council of a city or county which has established an Industrial Farm, and the council of another municipality may from time to time enter into agreements for connecting the Industrial Farm with the sewerage system of such municipality, and may pass all by-laws and do all things necessary to carry the agreement into effect.

Contracts for supplying water and electric light and power.

(2) The council of a city or county may also contract with The Hydro-Electric Power Commission, or with any municipal corporation, company or individual, owning or operating a waterworks system or works for the production and supply of electricity for light, heat or power in such city or municipality, for the supply of water for domestic purposes and for fire protection, or of electricity for light, heat or power purposes at the Industrial Farm.

Power to carry necessary works over intervening lands.

(3) For the purpose of connecting such Industrial Farm with such sewerage or waterworks system or electrical works or with the system of The Hydro-Electric Power Commission the corporation of such city or county, its officers, servants, agents or workmen may enter upon and pass over any lands or highways lying between such Industrial Farm and the point of connection; and may dig up such lands and highways, and construct sewers and lay down any pipes and place all necessary poles, wires and appliances and do all necessary work in or upon such lands and highways, making due compensation to the owners as provided by *The Municipal Act*.

Rev. Stat. c. 192.

Powers of corporations establishing a joint industrial farm.

(4) Where two or more municipal corporations have established a joint Industrial Farm, they shall have, in respect of such Industrial Farm, all the powers conferred upon the council of a city or county by this section. 2 Geo. V. c. 78, s. 8.

Assent of electors to borrowing for Industrial Farm not required.

9. It shall not be necessary to obtain the assent of the electors to a by-law for raising such sums as may be required for the purchase of a site or the erection or equipment of buildings for an Industrial Farm, or the acquiring of land to be used in connection therewith, or for any addition to or improvement of such buildings or equipment, or for the purpose of any works authorized by section 8; but the amount owing, in respect of the same, shall not at any time exceed \$50,000. 2 Geo. V. c. 78, s. 9.

10. The regulations may provide for requiring every person sent to the Industrial Farm to perform such work or service, at such times, for such hours, and at such trade or labour as he may appear to be fit for, and for buying material therefor, and for selling the articles manufactured or produced therefrom, and for applying the earnings, or part of the earnings of such person, for his maintenance or for the maintenance of his wife, children or other dependent members of his family, or for the general maintenance of the Industrial Farm, or towards aiding such person to reach his friends, or any place to which it may be deemed advisable to send him upon his discharge. 2 Geo. V. c. 78, s. 10.

Power to
compel per-
sons sent to
Industrial
Farm to
work.

11. The Sheriff having the supervision of an Industrial Farm may transfer from the common gaol to the Industrial Farm any person who, by section 3, may be committed to an Industrial Farm. 2 Geo. V. c. 78, s. 11.

Sheriff may
transfer
from gaols.

12.—(1) The cost of the maintenance of an Industrial Farm, including the salaries of the superintendent and the officers and servants thereof, and of the persons committed to it, and all other expenses incidental thereto, and to the transfer of persons to it, shall be paid and borne in the same manner and by the same corporations and in the same proportion between them as if the Industrial Farm were a common gaol.

Cost of
maintenance
of Industrial
Farm.

(2) In the case of a joint Industrial Farm, the corporations by which it is established shall provide by the agreement as to the proportions in which the costs and expenses mentioned in subsection 1 shall be borne by them respectively, and by which of them they shall be paid in the first instance, and the terms of any such agreement may be varied from time to time as occasion may require; and if the corporations are unable to agree as to the variation the same shall be determined by arbitration under *The Municipal Act*; but no such variation except by agreement shall be made oftener than once in every five years. 2 Geo. V. c. 78, s. 12.

In the case
of joint
farms.

Rev. Stat.
c. 192.

13. The superintendent of every Industrial Farm shall on the first day of each month transmit by registered post to one of the Inspectors of Prisons and Public Charities a report showing the number of inmates committed to the Industrial Farm during the preceding month, together with such other particulars as he may require. 2 Geo. V. c. 78, s. 13.

Monthly
reports by
Superintendent.

14. The statement shall be promptly forwarded, with the recommendation of one of the Inspectors of Prisons and Public Charities and the superintendent of the Industrial Farm, to the Ontario Board of Parole for consideration and action thereon. 2 Geo. V. c. 78, s. 14.

Submission
to Board of
Parole.

Probation
officers.

15. The council of a city or of a county having an Industrial Farm may pass by-laws appointing Probation Officers who are connected with any police force for the purpose of aiding and assisting in the reform of such persons as may from time to time be discharged on parole from an Industrial Farm under recommendation of the Ontario Board of Parole. 2 Geo. V. c. 78, s. 15.

Inspection
visits and
reports
thereon.

16. One of the Inspectors of Prisons and Public Charities shall, at least twice in every year, inspect every Industrial Farm and all books and documents relating to it and examine into its condition and management, and shall report thereon to the Provincial Secretary, and make such recommendations and suggestions in relation to it and to the method of keeping its books and accounts as he may deem advisable; and a copy of such report shall be sent to the sheriff having the supervision of, and to the clerk of the council of every municipality having an interest in, the Industrial Farm. 2 Geo. V. c. 78, s. 16.

CHAPTER 293.

An Act respecting Gaols.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Gaols Act*. 3-4 Geo. V. Short title. c. 81, s. 1.

2. In this Act,

Interpre-
tation.

(a) "Inspector" shall mean the Inspector of Prisons and Public Charities, to whom the duty of inspecting gaols is assigned by the Lieutenant-Governor in Council; Inspector.

(b) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act. 3-4 Geo. V. c. 81, s. 2. Minister.

3. All gaols in Ontario shall be prisons of the Supreme Court. 3-4 Geo. V. c. 81, s. 3. Prisons of
Court.

[See also *The Municipal Act*, R.S.O. c. 192, ss. 375-388.]

GAOLS IN PROVISIONAL JUDICIAL DISTRICTS.

4.—(1) Every gaol erected in a provisional judicial district under the authority of the Lieutenant-Governor in Council, or any building so declared so to be by the Lieutenant-Governor in Council, shall be a common gaol of the District. Gaols,
in judicial
districts.

(2) The common gaols and the industrial farms in the several districts shall be respectively common gaols and industrial farms for all the districts, and any court or magistrate may direct the committal to any of them, either for safe custody or for punishment of any person who may be lawfully committed by such court or magistrate to the common gaol or industrial farm of the district in which the order for committal is made. 3-4 Geo. V. c. 81, s. 4. Gaols and
industrial
farms common
for all the
districts.

5. Any person imprisoned in a lock-up in a district may be transferred by order of an Inspector to the common gaol in the district town of the district. 3-4 Geo. V. c. 81, s. 5. Transfer
from lock-
up to com-
mon gaol.

6. The Lieutenant-Governor may appoint a gaoler of every common gaol, who shall perform all the duties and be under and subject to all the liabilities that the gaolers of the common gaols in counties perform and are subject to and shall Appoint-
ment of
gaoler.

give such security for the due performance of the duties of his office as the Lieutenant-Governor in Council from time to time prescribes; and every such gaoler shall be paid out of money appropriated by this Legislature and voted by the Assembly for that purpose, such sums of money annually as the Lieutenant-Governor in Council may think reasonable for the services performed. 3-4 Geo. V. c. 81, s. 6.

Vacancy.

7.—(1) In case of a vacancy the sheriff shall appoint some proper person to act as gaoler until an appointment is made by the Lieutenant-Governor in Council.

**When
sheriff to
be *ex-officio*
gaoler.**

(2) The Lieutenant-Governor in Council may, upon the application of the sheriff, declare that the public interests do not require that another gaoler of the gaol at the district town shall be appointed, and thereupon the sheriff shall be *ex-officio* gaoler of such gaol, and shall perform all the duties and shall be subject to all the liabilities of the office. 3-4 Geo. V. c. 81, s. 7.

ESTABLISHMENT AND MAINTENANCE OF GAOLS.

Plans.

8. Every gaol shall be constructed and built according to a plan to be approved of by the Inspector, and sanctioned by the Lieutenant-Governor in Council; and no gaol built after the 4th day of March, 1868, in any county, otherwise than according to a plan so approved and sanctioned, or which does not, after its completion, receive the approval of the Inspector, shall be deemed to be in law the gaol of such county. 3-4 Geo. V. c. 81, s. 8.

**Considera-
tion of
plans.**

9. The Inspector, before deciding upon the plan of a gaol most proper to be adopted, or approving a gaol after its completion, shall take into consideration

Particulars.

- (a) the nature and extent of the ground upon which the gaol has been or is to be built;
- (b) its relative situation to any street and buildings, and to any river or other water supply;
- (c) its comparative elevation and capability of being drained;
- (d) the material of which it has been or is to be constructed;
- (e) the necessity of guarding against cold and dampness, and of providing properly for ventilation and light for each corridor;
- (f) the proper classification of prisoners, having regard to age, sex, and cause of confinement;
- (g) the best means of ensuring their safe custody without the necessity of resorting to severe treatment;

- (h) the due accommodation of the gaoler and turnkeys, so that they may have ready access to the prisoners and conveniently oversee them;
- (i) the prevention of any intercourse between prisoners and persons without the walls of the building;
- (j) the prevention of nuisances from whatever cause, and the necessity of providing proper and sufficient sanitary conveniences;
- (k) the combining provision, as well for the reformation of convicts, as far as may be practicable, as for their employment, in order that the gaol may really serve as a place of correction;
- (l) the admission of prisoners to air and exercise without the walls of the building; and
- (m) the enclosure of the yard and premises with a secure wall. 3-4 Geo. V. c. 81, s. 9.

10.—(1) If the Inspector at any time finds that the common gaol in any county or city is out of repair or is unsafe or unfit for the confinement of prisoners, or is not constructed or maintained in conformity with the provisions of the next preceding section, or does not afford sufficient space or room for the number of prisoners usually confined therein, he shall forthwith report the fact to the Lieutenant-Governor, and shall at the same time furnish a copy of such report to the council of such county or city.

Gaol repairs.
Report to
the Lieut.-
Governor.

Copy for
the municipal
council.

(2) The council shall thereupon appoint a special committee to confer with the Inspector, and to arrange with him as to the repairs, alterations or additions that may be deemed necessary to remedy the defects reported upon, and to report the same to the council.

Conference
with
Inspector.

(3) If the Inspector and the committee do not agree upon what repairs, alterations and additions are necessary, the matter shall be referred to the Lieutenant-Governor in Council to decide, and his decision shall be reported to the council.

Case of
disagree-
ment.

(4) It shall be the duty of the council, by by-law, to provide for the making of the repairs, alterations or additions so arranged for and reported or decided upon, and for the appropriation of any money that may be required for that purpose, and in default thereof the council may be proceeded against at the instance and prosecution either of the Attorney-General of Ontario or of any private prosecutor, to compel the making by the council of such repairs, alterations or additions.

By-law for
repairs.

Proceedings
in default.

(5) The Inspector and the special committee of the county or city council shall, in arranging the particulars of the necessary repairs, alterations or additions, have due regard to the plan of the gaol and to the ability of the council to meet the

Repairs to be
proportioned
to circum-
stances and
resources of
council.

expense thereof, and in the case of alterations or additions, shall make the same as few and inexpensive as, in their opinion, the requirements of this Act and of the public service will admit. 3-4 Geo. V. c. 81, s. 10.

VACANCY IN OFFICE OF COUNTY GAOLER.

Duty of
Inspector
when
vacancy
occurs.

11.—(1) Where a vacancy occurs in the office of gaoler of any county gaol, and the number of prisoners who have been confined in such gaol during the three years ending on the 31st of December immediately preceding the occurrence of such vacancy did not exceed on an average six per diem in any of such years, it shall be the duty of the Inspector, to issue and transmit to the county council his certificate to that effect, and he shall also notify the sheriff of the county that the gaol may be made subject to the provisions of this section.

Notice to
sheriff.

Power of
county
council.

(2) The council may, after the receipt of such certificate, and within three months after the occurrence of such vacancy, or at the next meeting of the council thereafter, by resolution declare that the public interests do not require the appointment of a gaoler.

Sheriff
may agree
to act as
gaoler.

(3) The sheriff may thereupon agree with the council to act as gaoler and for the remuneration to be allowed him for the performance of the duties of gaoler, and in that event it shall not be necessary for the sheriff to appoint a gaoler, but he shall himself be *ex-officio* the gaoler and shall, with such assistance as he deems necessary perform all the duties and be subject to all the responsibilities of the office.

His duty.

Sheriff may
appoint
gaoler pro
tem or
act himself.

(4) Pending the action of the council, the sheriff may either make a temporary appointment of a gaoler, or may elect himself to perform the duties of the gaoler, in which case he shall be *ex-officio* gaoler and shall perform all the duties and shall be subject to all the liabilities of the office.

Sheriff must
appoint
if council
fails to act.

(5) If the council does not within the time thereby limited, pass the resolution mentioned in subsection 2, the sheriff shall forthwith thereafter appoint the temporary gaoler or some other proper person to be the gaoler.

Salary of
temporary
gaoler or
sheriff.

(6) The temporary gaoler or the sheriff, while acting under subsection 4, shall be paid at the same rate of salary as was paid to the gaoler who held the office previous to the occurrence of the vacancy. 3-4 Geo. V. c. 81, s. 11.

TRANSFER OF PRISONERS TO GAOL OF AN ADJOINING COUNTY.

When an
agreement
for transfer
may be
made.

12.—(1) Where the number of prisoners confined in the gaol of any county during two years does not exceed on an average four per diem for either of such years and the Inspector reports to the Lieutenant-Governor that it would be

proper that an agreement should be made for keeping the prisoners of such county in the gaol of an adjoining county, the council of the first mentioned county may agree with the council of the adjoining county for keeping and maintaining such prisoners in the gaol of the adjoining county.

(2) The two years shall be the two years ending on the 31st day of December, immediately preceding the making of the agreement. 3-4 Geo. V. c. 81, s. 12. How average reckoned.

13. If such agreement is made, the Lieutenant-Governor in Council may sanction the same and shall issue a proclamation declaring that from a day to be named therein the gaol of the adjoining county shall also be the common gaol of the first mentioned county, and it shall so continue from that day until the Lieutenant-Governor in Council issues a proclamation terminating the agreement. 3-4 Geo. V. c. 81, s. 13. Sanction by Lieutenant-Governor in Council.

14.—(1) No such first mentioned proclamation shall be issued unless there is direct railway communication between the county towns of the two counties, nor until the Inspector has reported that a sufficient lock-up for the safe custody of prisoners held or committed for trial in the first mentioned county or in custody prior to their committal for trial or pending their removal to the county gaol, The Reformatory for Ontario or Penitentiary has been provided in or near the county town of the first mentioned county. Pre-requisites to sanction. Lock-up to be maintained in transferring county.

(2) Nothing in this section shall prevent the imprisonment of any such prisoner in the gaol of the adjoining county where the committing magistrate or the sheriff in charge deems it expedient that he should be imprisoned therein. Magistrate may commit to gaol of adjoining county.

(3) The lock-up may be either the building theretofore used as the gaol of the first mentioned county or part thereof or some other building approved by the Inspector. 3-4 Geo. V. c. 81, s. 14. Lock-up.

15. The county at whose instance such first mentioned proclamation has been issued shall bear all expenses incurred in respect of the conveying of any prisoners to or from the gaol of the adjoining county in excess of those which would have been incurred had the prisoners been detained in a gaol in the county town of the first mentioned county. 3-4 Geo. V. c. 81, s. 15. Expenses of transferring prisoners.

16. It shall be the duty of the county council to see that the lock-up is always kept in a proper condition for the reception of prisoners, and if the county council fails so to keep the same the sheriff shall at the cost of the county do what is necessary in that behalf. 3-4 Geo. V. c. 81, s. 16. Duty of county council as to lock-up.

17.—(1) An agreement made under section 12 shall continue, subject to any variation of the terms thereof by mutual Term for which agreement to be made.

Rev. Stat.
c. 192.

agreement, for five years, and shall after such five years continue until varied by agreement, or if the councils are unable to agree, until varied by arbitration under *The Municipal Act*, but either council may at any time apply to the Lieutenant-Governor in Council to terminate the agreement.

How terminated.

(2) The Lieutenant-Governor in Council may terminate the agreement upon the application of either of the councils interested or of his own motion from a day to be named in his proclamation in that behalf and from such day the gaol of the adjoining county shall cease to be the common gaol of the first mentioned county. 3-4 Geo. V. c. 81, s. 17.

Effect of proclamation as evidence.

18. The issue of a proclamation under this Act shall be conclusive evidence that the events have happened and that the conditions exist which authorize the issue thereof. 3-4 Geo. V. c. 81, s. 18.

Powers of Lieutenant-Governor in Council.

19.—(1) The Lieutenant-Governor in Council shall, with respect to persons in custody undergoing imprisonment for offences against any law of Ontario or a by-law, or charged with any such offence, or for whose arrest a warrant has been issued, have all the powers conferred upon him in respect of offences against the laws of Canada by *The Prisons and Reformatories Act* of Canada, the provisions of which shall *mutatis mutandis* apply.

R.S.O. 1906,
c. 148.

Cost of maintenance of prisoner.

(2) The cost of the maintenance of a prisoner, transferred under the authority of this section, shall be paid and borne by the corporation of the county from the gaol of which he is transferred, and in case of dispute as to the amount which is payable, shall be determined by the Inspector.

And of his transfer.

(3) The expenses of the transfer of a prisoner under this section or under *The Prisons and Reformatories Act* shall be paid by the corporation of the county from the gaol of which the prisoner is transferred.

How settled.

(4) In case of dispute as to the amount payable under this or the preceding subsection the same shall be determined by the Inspector. 3-4 Geo. V. c. 81, s. 19.

Detention in gaol pending removal to reformatories.

20. Any person sentenced to imprisonment in the Reformatory for Ontario or in the Andrew Mercer Ontario Reformatory for Females, may be detained in the common gaol until the proper officer requires the delivery to him of such person for conveyance to the Reformatory in which he or she is to be imprisoned. 3-4 Geo. V. c. 81, s. 20.

REMOVAL OF PERSONS TO PROVINCIAL INSTITUTIONS.

Appointment of bailiffs.

21.—(1) The Lieutenant-Governor in Council may appoint provincial bailiffs, male or female, who shall be employed for the purpose of conveying any person confined in any of the

common gaols of Ontario or other place of custody and liable to be removed from thence to any provincial institution in which such person is lawfully directed to be confined, and also in the performance of such other duties as may be assigned to them by the Inspector.

(2) The Inspector may authorize the employment of a suitable person to act as a temporary bailiff; and such temporary bailiff shall have the same powers and may perform the same duties as a provincial bailiff and shall be paid for such temporary services as the Provincial Secretary may direct. 3-4 Geo. V. c. 81, s. 21. Temporary bailiffs.

22. Any such bailiff may convey any person from the gaol or other place of custody to such provincial institution without further authority than the warrant of the Inspector, which shall be issued in duplicate; and such person shall be received into such institution and there detained subject to the rules, regulations and discipline thereof until discharged by due course of law or removed under competent authority. 3-4 Geo. V. c. 81, s. 22. Warrant for removal.

23. The bailiff, in the conveyance of such person to any of such provincial institutions, may secure and convey him in and through any county or district through which such bailiff may have to pass, and until such person has been delivered to and placed in such institution, such bailiff shall have, in every part of Ontario, the same power and authority over and with regard to him, and to command the assistance of any person to prevent his escape, and to recapture him in case of an escape, as the sheriff of the county or district in which he was convicted or confined would have had in conveying him from one part to another of that county or district. 3-4 Geo. V. c. 81, s. 23. Powers of bailiffs.

24. The bailiff shall give to the sheriff or gaoler one of the duplicates of the warrant and a receipt for every person delivered to him, and shall thereupon with all convenient speed convey and deliver up such person with the other duplicate to the superintendent or other official head of such provincial institution, who shall give his receipt in writing for every such person so received by him to such bailiff, and every such person shall be kept in such institution until discharged by due course of law or removed under competent authority. 3-4 Geo. V. c. 81, s. 24. Bailiffs to give and take receipts for persons in their charge.

25.—(1) The county, or other municipality, in which the gaol or other place of custody is situate and from which such person is removed by such bailiff, shall be liable to pay to the Treasurer of Ontario, on demand, the expenses incurred in the removal and conveyance of such person, together with sixty per centum added thereto. Expenses of removal.

How borne.

(2) Where a gaol is maintained jointly by a city and county, or in the case of a town separated from a county, the county shall be deemed to be the municipality in which the gaol is situate, and the city or town shall pay its just proportion of such expenses and additional percentage, and if not mutually agreed upon, the same shall be determined by arbitration as provided by *The Municipal Act*. 3-4 Geo. V. c. 81, s. 25.

Rev. Stat.
c. 192.

EMPLOYING PRISONERS WITHOUT THE WALLS OF COMMON GAOLS.

Employ-
ment of
prisoners
outside gaol.

26. The Lieutenant-Governor in Council may direct or authorize the employment beyond the limits of the common gaol upon any work or duty, the nature of which is specified in the Order in Council, of any person who is sentenced to be imprisoned with hard labour in such gaol under the authority of any statute of Ontario or for the breach of a by-law of any municipal corporation or board of commissioners of police. 3-4 Geo. V. c. 81, s. 26.

Discipline
of gaol to
be observed
during em-
ployment.

R.S.C. 1906,
c. 148.

27. Every such prisoner shall, during such employment, be subject to the rules, regulations and discipline of the gaol, and to any regulations made by the Lieutenant-Governor in Council under *The Prisons and Reformatories Act* of Canada or any Act thereby consolidated, for preventing escapes and preserving discipline. 3-4 Geo. V. c. 81, s. 27.

Supervision.

28. No such prisoner shall be so employed, except under the strictest care and supervision of officers appointed to that duty. 3-4 Geo. V. c. 81, s. 28.

What to be
deemed
part of gaol.

29. Every street, highway or public thoroughfare on which prisoners may pass in going to or returning from their work, and every place where they may be employed under this Act, shall, while so used, be deemed to be a part of the gaol for the purposes of this Act. 3-4 Geo. V. c. 81, s. 29.

Division
of earnings
of prisoners.

30.—(1) An account shall be kept of the amount earned by the labour of prisoners imprisoned in any common gaol, and such amount shall be divided between the Province and the county in proportion to the amount contributed by them respectively towards the care and maintenance of the prisoners.

How and
when made.

(2) The division shall be made by such officer, or other person, and at such time as the Lieutenant-Governor in Council shall direct. 3-4 Geo. V. c. 81, s. 30.

Division
of earnings
between
county and
city or
towns.

31. In the case of a county in which a city or separated town is situate, the share of such earnings which the city or town shall be entitled to receive from the county shall, in case the councils are unable to agree, be determined annually by arbitration under the provisions of *The Municipal Act*. 3-4 Geo. V. c. 81, s. 31.

PROHIBITION OF INTOXICATING LIQUORS.

32.—(1) No gaoler, keeper or other officer of any gaol, lock-up or industrial farm shall sell, lend, use, or give away, or knowingly permit or suffer any intoxicating liquors with in the meaning of *The Liquor License Act*, to be sold, used, lent or given away to any prisoner or to any person committed to an industrial farm, or to be brought into the same, other than as may be prescribed by or given by the direction of a legally qualified medical practitioner.

(2) No person shall give, convey or supply to any prisoner confined in any gaol or industrial farm, any intoxicating liquor within the meaning of *The Liquor License Act*, otherwise than as authorized by this Act.

(3) Every person who contravenes this section shall incur a penalty of \$100 recoverable under *The Ontario Summary Convictions Act*.

(4) For a second offence of the like nature by such gaoler, keeper, or other officer, he shall also forfeit his office.

V. c. 81, s. 32.

No intoxicating liquors to be given to prisoners.
Rev. Stat. c. 215.

Or by any person.

Penalty.
Rev. Stat. c. 90.

Second offence by officer.

CHAPTER 294.

An Act respecting the Erection of Court Houses
in Territorial Districts.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The District Court Houses Act*.
3-4 Geo. V. c. 82, s. 1.

Buildings
for hold-
ing courts
to be court
houses.

2. Any building now or hereafter erected and provided under the authority of the Lieutenant-Governor in Council in the district town of any territorial district for the purpose of holding courts therein shall be the Court House of such district. 3-4 Geo. V. c. 82, s. 2.

Regulations.

3. The Lieutenant-Governor in Council may prescribe regulations for the construction, management, inspection and repair of such court house. 3-4 Geo. V. c. 82, s. 3.

CHAPTER 295.

An Act respecting Provincial Hospitals for the Insane and the Custody of Insane Persons.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Hospitals for the Insane* and Act. 3-4 Geo. V. c. 83, s. 1.

2. In this Act,

- (a) "Father" shall include stepfather and "mother" shall include stepmother; Interpretation—
"Father"
"Mother."
- (b) "Hospital" shall mean a provincial institution for the care and treatment of insane persons; "Hospital"
- (c) "Inspector" shall mean the Inspector designated by the Minister to inspect hospitals and public charities, under *The Prisons and Public Charities Inspection Act*, to whom is assigned the duty of inspecting provincial hospitals for the insane; "Inspector"
Rev. Stat. c. 301.
- (d) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act; "Minister"
- (e) "Patient" shall mean any insane person committed to or detained in a hospital; "Patient"
- (f) "Prescribed form" shall mean the form prescribed by the Regulations; "Prescribed form."
- (g) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of *The Prisons and Public Charities Inspection Act*. 3-4 Geo. V. c. 83, s. 2. "Regulations."
Rev. Stat. c. 301.

3. The Hospitals at Toronto, London, Kingston, Hamilton, Mimico, Brockville, Penetanguishene, Cobourg and Orillia, and any other hospital hereafter established for the custody and treatment of insane persons, and all the property and effects real and personal belonging thereto, shall be vested in the Crown. 3-4 Geo. V. c. 83, s. 3. Certain hospitals vested in the Crown

4. Such hospitals shall be called "The Hospital for the Insane, Toronto," or "The Hospital for the Insane, London," or as the case may be. 3-4 Geo. V. c. 83, s. 4. Designation of hospitals for insane.

OFFICERS.

Superintendent and officers, appointment of.

5.—(1) The Lieutenant-Governor in Council may from time to time appoint in each Hospital a superintendent and such medical and other officers as may be deemed necessary.

Duties of Superintendent.

(2) The superintendent shall be the chief executive officer and shall

- (a) direct and control the treatment of the patients;
- (b) hire and discharge from time to time the nurses, attendants and employees;
- (c) watch over the internal management, and maintain the discipline and due observance of the regulations prescribed for the government of hospitals for the insane;
- (d) direct the training of nurses in accordance with the syllabus approved by the Minister;
- (e) report conditions to the Inspector;
- (f) report annually to the Inspector upon the affairs of the hospital, with such suggestions as may in his opinion tend to its improvement. 3-4 Geo. V. c. 83, s. 5.

The Bursar, appointment and duties of.

6. The financial business and affairs of each hospital shall be conducted by an officer appointed by the Lieutenant-Governor in Council to be called "The Bursar," who shall

- (a) report the state of the income and expenditure of the hospital to the Inspector quarterly, and to the superintendent monthly;
- (b) perform such other duties as may be assigned to him under any regulations in force respecting hospitals for the insane, and in accordance with the direction of the Inspector. 3-4 Geo. V. c. 83, s. 6.

ADMISSION TO HOSPITALS FOR THE INSANE.

Requisites for admission.

7. No person shall be admitted into any hospital, except as a voluntary patient or upon the warrant of the Lieutenant-Governor, without the certificates, Form 1, of two legally qualified medical practitioners, accompanied by the family history in the prescribed form and the financial and estate history in the prescribed form, and upon notice having been received from the superintendent of the said hospital that there is a vacancy for the patient. 3-4 Geo. V. c. 83, s. 7.

Medical certificate.

8.—(1) Every such certificate shall state that the medical practitioner signing it personally examined the patient, separately from any other medical practitioner, and after due

enquiry into all necessary facts relating to the case of the patient found him to be insane.

(2) The medical practitioner shall also in the certificate state the facts upon which he has formed his opinion, distinguishing the facts observed by him from the facts communicated to him by others; and every such certificate shall be signed in the presence of two subscribing witnesses and shall bear date within three months of the time of the admission of the patient. 3-4 Geo. V. c. 83, s. 8.

Contents.
Signature
and attestation.
Date.

9. The certificates, when accompanied by the forms mentioned in section 7, shall be sufficient authority to any person to convey the patient to the hospital and to the authorities thereof to detain him therein, or to the authorities of any other provincial hospital for the insane to which the patient may have been or may be removed by the order of the Inspector to detain him in such hospital as long as he continues to be insane. 3-4 Geo. V. c. 83, s. 9.

Effect of certificates as authority to detain.

10.—(1) Upon due application for the admission of a patient the superintendent and bursar of the hospital shall make a full and thorough enquiry respecting the estate, either in existence or in prospect, of the patient, and of its sufficiency, free from all other claims by his family, to supply the means necessary for his maintenance and clothing in the hospital as provided by the regulations.

Enquiry as to means of patient.

(2) The superintendent and bursar shall require from the father, mother or friends of the patient an agreement or bond to secure the payment of the patient's maintenance, either in whole or in part; and such agreement or bond shall continue in force so long as the patient is maintained in any provincial hospital for the insane.

Bond to secure payment.

(3) Where the obligation is for a limited period nothing herein shall extend the liability beyond the period limited.

Extent of obligation.

(4) The giving of an agreement or bond shall in no way release the estate of the patient from its obligation to maintain and clothe him in the hospital as hereinafter provided. 3-4 Geo. V. c. 83, s. 10.

Agreement not to be a release of estate of patient.

11.—(1) In any municipality where an insane person is in destitute circumstances and is a fit subject for hospital treatment application may be made to the head of the municipality for an examination to be made and certificates given in accordance with sections 7, 8 and 9, and the head of the municipality, if satisfied that the insane person is in destitute circumstances, shall immediately notify two legally qualified medical practitioners to make the required examination.

Examination of destitute insane persons.

(2) The council of the municipality shall pay to each of the medical practitioners for the examination and certificate a sum not exceeding \$5, and twenty cents for each mile

Expenses of examination.

necessarily travelled, and shall also pay the necessary expenses incurred in conveying the patient to a hospital.

Reimbursement.

(3) Such sum shall be reimbursed to the corporation of the municipality by the corporation of the county where the municipality is a part of the county for municipal purposes. 3-4 Geo. V. c. 83, s. 11.

ADMISSION OF VOLUNTARY PATIENTS.

Voluntary patients, how admitted.

12.—(1) The superintendent of the hospital may receive and detain therein as a patient any person suitable for care and treatment who voluntarily makes written application in Form 8, and whose mental condition is such as to render him competent to make application.

Limit of period of retention.

(2) A person so received shall not be detained more than five days after having given notice in writing of his desire to leave the hospital.

Clinical record.

(3) The superintendent shall within three days after the admission of the patient transmit to the Inspector the clinical record of such patient, and shall on the first day of each month transmit to the Inspector the names of all voluntary patients then remaining in the hospital. 3-4 Geo. V. c. 83, s. 12.

DANGEROUS INSANE PERSONS AND INSANE PRISONERS.

Apprehension of person believed to be insane and dangerous to be at large.

13.—(1) Where an information is laid before any justice of the peace that any person, within the limits of his jurisdiction, is or is suspected or believed by the person laying the information to be insane and dangerous to be at large, such justice may issue his warrant, Form 2, to apprehend such alleged insane person and to cause him to be brought before such justice or any other justice having jurisdiction in the locality.

Warrant to apprehend, form of.

(2) Every such warrant shall be under the hand and seal of the justice and may be directed to all or any of the constables or other peace officers of the locality within which the justice has jurisdiction, and shall name or otherwise describe the person against whom the information has been laid, and shall state that information has been laid on oath that such person is insane and dangerous to be at large.

Before whom returnable.

(3) The warrant shall order the person to whom it is directed to apprehend the person against whom the information has been laid and to bring him before the justice issuing the warrant, or before such other justice, in order that enquiry may be made respecting the sanity of such person and that he may be further dealt with according to law. 3-4 Geo. V. c. 83, s. 13.

14. Any person apparently insane and conducting himself in a manner which in a sane person would be disorderly may be apprehended without warrant by any constable or peace officer and detained in some safe and comfortable place, not being a gaol, lock-up, prison or reformatory until the question of his sanity is determined as prescribed by section 19. 3-4 Geo. V. c. 83, s. 14.

15. Where the person alleged to be insane has been apprehended under a warrant or in the manner provided in the next preceding section, he shall be brought before a justice having jurisdiction in the locality in which such person was apprehended, and the justice may thereupon by his order, Form 2, direct that such alleged insane person be confined in some such safe and comfortable place, or in the custody of the constable or other person who apprehended him or such other safe custody as the justice deems fit, until the question of his sanity is determined; but in no case shall such alleged insane person be committed to any gaol, lock-up, prison or reformatory. 3-4 Geo. V. c. 83, s. 15.

16.—(1) The Minister may appoint one or more legally qualified medical practitioners in any territorial division for the purposes of this section.

(2) Immediately upon the apprehension of an alleged insane person the justice before whom he is brought shall notify one of such medical practitioners, if any have been appointed, and one other legally qualified medical practitioner, or if no medical practitioner has been so appointed the justice shall notify two legally qualified medical practitioners and shall cause an examination to be made in the manner provided in sections 7 and 8. 3-4 Geo. V. c. 83, s. 16.

17.—(1) The justice, in addition to the examination in the next preceding section prescribed, shall hear such evidence upon oath as may be adduced with reference to the insanity of the said alleged insane person and shall direct that enquiry be made as to his friends or relatives in order that the evidence of some person or persons who is or are acquainted with his family and previous habits may be had, and for the purpose of ascertaining whether the alleged insane person is possessed of any and what property, and where the same is situate, and also as to the number of persons, if any, dependent upon him for support, and to elicit as far as possible all information in respect to the matters mentioned in Form 7; but if the justice finds that such enquiries will be expensive or that sufficient information has been obtained by other means he shall not be required to make the enquiries by this section directed.

(2) The justice may from time to time adjourn the enquiry and again commit to custody, as prescribed by section

15, until proper enquiry is made as directed by this section. 3-4 Geo. V. c. 83, s. 17.

Re-examination in case of disagreement.

18. Where the medical practitioners do not agree in opinion as to whether such person is or is not insane they or any of them may again examine him within one week after the first examination, and either of them may give a new certificate if upon such further examination he changes his opinion as to the mental condition of such person. 3-4 Geo. V. c. 83, s. 18.

Discharge when not found insane.

19. If, after reasonable enquiry has been made by the justice as herein directed, he is satisfied that such alleged insane person is not insane and dangerous to be at large the justice shall forthwith discharge such person, but if after such enquiry he is satisfied that such alleged insane person is insane and dangerous to be at large he shall certify accordingly, Form 4; but in every case, unless both the medical practitioners making the examination agree that such person is insane, the justice shall forthwith discharge him. 3-4 Geo. V. c. 83, s. 19.

Certificate by justice when person insane and dangerous to be at large.

Certificates, etc., to be sent by Justice to the inspector.

20.—(1) The justice shall immediately transmit to the Inspector his certificate and the certificates of the medical practitioners and the information, warrant and depositions taken before him, accompanied by a written statement of the result of his enquiries as to the financial condition of such insane person and the person or persons legally liable for his maintenance, and as to the other matters mentioned in Form 7, so far as ascertained, and giving the present address of such insane person, and the name and address of the person in whose custody he is.

Inspector to make provision for removal to hospital.

(2) The Inspector, on receipt of such documents, shall at once arrange for the admission of such insane person to a hospital and shall issue a warrant in the prescribed form for his transfer thereto. 3-4 Geo. V. c. 83, s. 20.

Expenses determining insanity and conveying to hospital.

21.—(1) The costs properly incurred in determining the question of the sanity of an alleged insane person under the provisions of sections 13 to 25, including the fees, not exceeding \$5 each, and an allowance not exceeding twenty cents per mile for travelling expenses of the medical practitioners, and the necessary expenses of the removal and admission of such person to a hospital, and the expense, if any, of providing proper clothing for him shall be paid by the corporation of the county, city or separated town in which such person has been apprehended.

By whom payable.

When payable by county in which last resided, and recoverable therefrom.

(2) If such person had not, prior to his being apprehended, resided in such county, city or separated town for one year, but had resided for that period in some other county, city or separated town, then such expenses may be recovered back by the corporation of the county, city or separated town in which

such person was apprehended from the corporation of the county, city or separated town in which such person had last resided for one year; or if such person, although he had resided for one year in the county, city or separated town in which he was apprehended, had since such residence been a resident for one year in some other county, city or separated town, then in like manner such expenses may be recovered back by the corporation of the county, city or separated town in which such person was apprehended from the corporation of the county, city or separated town in which such person last resided for one year.

(3) Where the person certified by the justice to be insane and dangerous to be at large is not in destitute circumstances, the expenses referred to in subsection 1, paid by the corporation of any county, city or separated town in which such person has been apprehended, may be recovered by it from the estate of such person or from the person legally liable for his maintenance, and the same shall be a charge against the estate of such person or shall be paid by the person legally liable for his maintenance. 3-4 Geo. V. c. 83, s. 21. When expenses may be recouped from estate.

22. A justice in making an inquiry shall have the like authority for compelling the attendance of witnesses as he would have if acting under *The Ontario Summary Convictions Act*, and all the provisions of that Act as to procedure shall apply as nearly as may be to proceedings under this Act, and an appeal from his certificate shall lie to the judge of the county or district court. 3-4 Geo. V. c. 83, s. 22. Application of Summary Convictions Act. Rev. Stat. c. 90.

23. The Lieutenant-Governor, upon such evidence of the insanity of any person imprisoned in any prison other than a penitentiary for an offence under the authority of any of the statutes of Ontario, or imprisoned for safe custody charged with an offence, or imprisoned for not finding bail for good behaviour or to keep the peace, as the Lieutenant-Governor considers sufficient, may by warrant order the removal of such insane person to a place of safe keeping; and such person shall remain there, or in such other place of safe keeping as the Lieutenant-Governor from time to time orders, until his complete or partial recovery is certified to the satisfaction of the Lieutenant-Governor who may then order such insane person back to imprisonment, if then liable thereto, or otherwise to be discharged. 3-4 Geo. V. c. 83, s. 23. Removal of prisoners from gaols to hospitals for insane.

24.—(1) A judge or deputy judge of the county or district court of the county or district in which is situate the prison, not being a penitentiary, in which any person imprisoned for an offence is confined, if such person is in the opinion of the prison surgeon insane, may, and if required by the regulations shall, as soon as conveniently may be, cause to be made in respect of such prisoner inquiries similar to those directed to be made by sections 16 to 19. Inquiries as to prop. etc., of a person in gaol.

Application
of sections
20, 21 and
22.

(2) The provisions of sections 20, 21 and 22 shall apply *mutatis mutandis* to inquiries made under this section. 3-4 Geo. V. c. 83, s. 24.

Re-examina-
tion in case of
disagreement.

25. Where the judge and the medical practitioners, upon making a personal examination of the prisoner, do not agree in opinion as to whether he is or is not insane, they, or any of them, may again examine him and may give a new certificate if upon such further examination they change their opinion as to his mental condition. 3-4 Geo. V. c. 83, s. 25.

Order for
removal :

26. A warrant for the removal of any insane person to a hospital may be issued notwithstanding any irregularity or insufficiency in the warrant or order under which such person is imprisoned or confined or in any of the proceedings before the justice or the judge. 3-4 Geo. V. c. 83, s. 26.

DISCHARGE.

By whom.

27. Persons admitted to a hospital by warrant may be discharged by the Lieutenant-Governor, by the Inspector or by the superintendent in accordance with the Regulations. 3-4 Geo. V. c. 83, s. 27.

REMOVAL FROM A HOSPITAL FOR THE INSANE TO COUNTRY OF ORIGIN.

When re-
turn may
be ordered.

28. Upon its appearing to the Lieutenant-Governor that any insane person detained in a hospital has come or been brought into Ontario from elsewhere within thirty days prior to his committal to such hospital, the Lieutenant-Governor may, by his warrant, authorize the removal of such person to the province or country from which he has so come or been brought. 3-4 Geo. V. c. 83, s. 28.

ESCAPE AND RECOMMITTAL.

Apprehen-
sion on es-
cape from
hospital for
the insane.

29. If a patient escapes from a hospital any officer or servant of the hospital, or any other person at the request of any such officer or servant, may without warrant within forty-eight hours after such escape, and within one month after such escape where a warrant in the prescribed form has been issued by the superintendent, retake such escaped person and return him to the hospital; and the patient shall remain in custody therein under the authority by virtue of which he was detained prior to the escape. 3-4 Geo. V. c. 83, s. 29.

DISCHARGE ON PROBATION.

Delivery of
patient
to custody
of his
friends.

30.—(1) If the superintendent considers it conducive to the recovery of any person detained in the hospital that he should be committed for a time to the custody of his friends the superintendent may allow him to return on trial to them

upon receiving a written undertaking in the prescribed form by one or more of the friends of such person that he or they will keep an oversight over him.

(2) Nothing in this section shall authorize the temporary discharge of any person imprisoned for an offence the period of whose sentence has not expired. 3-4 Geo. V. c. 83, s. 30. Cases of imprisonment for offences excepted.

31. If within six months from such temporary discharge the patient again becomes dangerous to be at large, the superintendent by whom he was discharged, by his warrant in the prescribed form directed to any constable or peace officer or other person or to all constables or peace officers, may authorize and direct that such patient be apprehended and brought back to the hospital from which he was temporarily discharged, and such warrant shall be an authority to any one acting under it to apprehend the person named therein and to bring him back to the hospital. 3-4 Geo. V. c. 83, s. 31. Recommitment to hospital for the insane from custody of friends.

MAINTENANCE OF PATIENTS.

32. Where a patient in a hospital is under the age of twenty-one years and has a father or mother able to pay for his maintenance, or a guardian or committee, it shall be the duty of the bursar of the hospital to send a written notice to such father, mother, guardian or committee giving the date of the patient's admission to the hospital and the amount which will become due for his maintenance each quarter as provided by the regulations. 3-4 Geo. V. c. 83, s. 32. Application to parents of a minor to pay for his maintenance.

33. On the first day of each of the months of February, May, August and November a demand shall be made by the Inspector from the father or mother, guardian or committee, as the case may be, of the patient of such sum as may be due for the patient to the hospital and such sum shall be forthwith paid on such demand. 3-4 Geo. V. c. 83, s. 33. Liability for maintenance of patient.

34.—(1) In case of refusal or neglect to pay the sum so demanded the Inspector may apply to a judge of the county or district court of the county or district in which the person liable to pay resides for an order for the payment of the amount then due. Order for payment for maintenance.

(2) Ten days' notice of the application shall be given. Notice.

(3) If the judge is satisfied that the person against whom the application is made is liable and, in the case of the father or mother, is able to pay for such maintenance, or that the guardian or committee is able to pay for the same out of property in his possession belonging to the patient, he may make an order accordingly. 3-4 Geo. V. c. 18, s. 34. Liability of parents.

35.—(1) Any person admitted to a hospital who has at the time of his admission or subsequently comes into the Maintenance, liability for.

For married woman.

possession of property shall be liable for his maintenance while in the hospital; and any person whose wife is detained in a hospital shall be liable for her maintenance while detained therein.

Recovery of.

(2) The Inspector may, by his name of office, recover the amounts owing in respect of such maintenance; but it shall not be his duty to enforce payment unless upon inquiry, regard being had to the claims of persons having a moral or legal right to be maintained by the person liable, the Inspector considers that the claim for maintenance ought to be enforced. 3-4 Geo. V. c. 83, s. 35.

When property of a patient may be taken possession of to pay for maintenance.

36.—(1) If a patient, upon or at any time after his admission into a hospital or sanitarium for mental diseases, is possessed of or entitled to any property out of which the expenses of his maintenance in the hospital or sanitarium or any part thereof can be paid, and has no guardian or committee lawfully appointed to take the care or management of it, and any sum due for the maintenance of the patient in the hospital is not paid on demand, or there is no one of whom it can be demanded, and such property, in the opinion of the Inspector, is more than sufficient or is not required to maintain the family, if any, of the patient, the Inspector may take possession of such property or of so much of it as he deems necessary to pay or to secure the payment of the sum due or to become due for the maintenance of the patient in the hospital, and he shall have full power over and be competent to manage and appropriate, take or recover possession of, lease, mortgage, sell and convey all or any part of such property in the name of the patient, or as his committee under this Act, as fully and effectually to all intents and purposes as the patient could or might if of full age and of sound and disposing mind; and notwithstanding the patient may have ceased to be an inmate of the hospital, or may have recovered or died, the Inspector may complete any lease, mortgage, sale or conveyance in respect of which proceedings have been commenced while the patient was confined in the hospital; but no such lease, mortgage, sale or conveyance shall be made without the written consent of the Attorney-General of Ontario.

Exercise of powers when deemed expedient.

(2) The Inspector may exercise the powers conferred by this section notwithstanding that the property of the patient is not more than sufficient to maintain his family and that by reason thereof it is not intended to require payment for the maintenance of the patient.

Where patient is in custody of friends.

(3) The Inspector may exercise the powers conferred by this section where the patient is committed to the custody of his friends as provided for in section 30. 3-4 Geo. V. c. 83, s. 36.

37. Where any money or other property belonging to or ^{Payment by Inspe-} to the estate of a patient has been received by the Inspector ^{ctor to} as his statutory committee, the Lieutenant-Governor in Coun- ^{family of} cil may authorize the Inspector to pay over to any member ^{patient.} of the family of such patient, or other person dependent upon him, such amount as may be deemed proper, and the Inspector, as such committee, in respect of every amount so paid shall be as fully discharged as if he had paid the same for the maintenance of the patient in the hospital. 3-4 Geo. V. c. 83, s. 37.

38. Every gift, grant, alienation, conveyance or transfer ^{Convey-} of property made by any person who is or becomes an inmate ^{ances by} of a hospital shall be deemed to be fraudulent and void, as ^{patients.} against the Inspector, if the same is not made for full and valuable consideration actually paid or sufficiently secured to such person, or if the purchaser or transferee had notice ^{Notice.} of the insanity. 3-4 Geo. V. c. 83, s. 38.

39. If the Inspector deems it necessary in order to secure ^{Inspector's} the payment of the maintenance of the patient, or for the ^{discretion.} interest of his estate, so to do, he may exercise any of the powers conferred by section 36 although no sum is overdue for such maintenance. 3-4 Geo. V. c. 83, s. 39.

POWERS AND DUTIES OF INSPECTOR.

40.—(1) The Inspector shall be *ex-officio*; and by his ^{Patients} name of office, the committee of every insane person who has ^{of whom} no other committee and who is detained in any hospital, ^{the Inspe-} sanitarium for mental diseases or place of safe custody, ^{ctor is the} ^{committee.}

(2) The Supreme Court may at any time appoint a ^{Appointment} committee of any such patient, and upon such appointment ^{of committee} being made the Inspector, while there is any committee so ^{by Court.} appointed, shall not be the committee of the patient; but the Inspector upon delivering up the patient's estate shall retain so much thereof as may be required to pay any sum then due for maintenance.

(3) No application for the appointment of a committee ^{Notice of} shall be made until five clear days' notice thereof has been ^{application.} given to the Inspector, and with such notice shall be served a copy of the petition or notice of motion and the affidavits to be used in support thereof. 3-4 Geo. V. c. 83, s. 40.

41. Notwithstanding that another committee has been ap- ^{When acts} pointed, every act of the Inspector, as the committee of a ^{of the} patient, shall be valid and binding upon the estate of such ^{Inspector} patient if done before a copy of the order appointing another ^{valid as} committee with notice of the approval by the Court of his ^{against the} ^{committee} ^{appointed} ^{by the} ^{Court.} sureties has been served upon the Inspector. 3-4 Geo. V. c. 83, s. 41.

Service of
process upon
patients.

42. If an action or other proceeding is brought against a patient, it shall be sufficient in order to bind the estate of such patient, or to make the proceedings otherwise valid, to serve any writ, process, paper or other document upon the Inspector if the Inspector is named therein as committee. 3-4 Geo. V. c. 83, s. 42.

Proceed-
ings by
Inspector.

43. Nothing in this Act shall make it the duty of the Inspector to institute proceedings on behalf of a patient or to intervene in respect of his estate, but the Inspector may institute such proceedings and otherwise intervene in respect of the estate of a patient who has no other committee of his estate wherever the Inspector deems it expedient in the interest of the estate of the patient, or necessary in order to secure in the manner least burdensome to the estate of the patient money due or to become due for his maintenance in a hospital. 3-4 Geo. V. c. 83, s. 43.

Powers of
Inspector
as to es-
tate of de-
ceased in
case he is
the com-
mittee at
time of
death.

44. If at the time of the death of a patient the Inspector is the committee of such patient, the Inspector shall, until probate of the will or letters of administration of the estate of the patient is granted to some other person or persons and the grant notified to the Inspector in writing, continue to have and may, if he considers it requisite so to do, exercise by his name of office the same powers in respect of the estate of the deceased as an executor would have in respect of the estate of his testator in case the same were bequeathed or devised to him in trust for the payment of debts and the distribution of the residue. 3-4 Geo. V. c. 83, s. 44.

Liability
of Inspector
to account.

45.—(1) The Inspector shall be liable to render an account as to the manner in which he has managed the property and effects of the patient in the same way and subject to the same responsibilities as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to account, and shall be entitled from time to time to bring in and pass his accounts and tax costs in like manner as a trustee, but shall be liable only for wilful misconduct.

Charges for
services.

(2) For the services rendered by the Inspector in the management of the property or estate of a patient the Minister may direct that a charge be made not exceeding the amount to which a trustee would be entitled for the like services, and not in any case more than 5 per cent. of the total value of such property or estate.

Application
to court
to be re-
lieved from
trust.

(3) When a person discharged from a hospital is not, in the opinion of the Inspector, competent to manage his affairs, and the Inspector has in his hands property of such person as committee under this Act, he may apply to the Supreme Court to be relieved of such property and be discharged of his trust; and the Court may give such orders and directions in the premises as it may deem just. 3-4 Geo. V. c. 83, s. 45.

46. In the cases mentioned in the next preceding ten sections, if doubt or opposition arises as to the right of property, the Inspector or the person claiming the property may apply to a judge of the county or district court of the county or district in which the property or any part of it is situate to try and determine the right of property, which he shall accordingly do. 3-4 Geo. V. c. 83, s. 46.

Disputes
as to pro-
perty, how
settled.

47. The costs, charges and expenses which the Inspector incurs in respect of the property or estate of a patient shall be the first charge upon any money coming into his hands and belonging to the patient. 3-4 Geo. V. c. 83, s. 47.

Costs of
Inspector a
first charge
on estate.

48. The Supreme Court shall, upon application by the Inspector, direct to be paid to him out of any fund or money in Court belonging to the patient the amount payable for maintenance of the patient. 3-4 Geo. V. c. 83, s. 48.

Payment
of money
in Court to
Inspector.

49. If the insanity of a patient is of such a nature, and he is possessed of such property as would in the opinion of the superintendent justify the supply to him of greater comfort and attention than are supplied under the Regulations, the Inspector may make such order in respect thereto as he may deem proper. 3-4 Geo. V. c. 83, s. 49.

Inspector
may make
special
order as to
comfort
of patient.

FORM 1.

(Section 7.)

Registered No.....
Case Book No.....

PROVINCE OF ONTARIO.

PHYSICIAN'S CERTIFICATE.

(a) Name
in full and
set forth
Qualifica-
tion or
Degree.
(b) Locality.
(c) Name
in full.
(d) Resi-
dence.
(e) Occu-
pation.

I, the undersigned (a) a legally qualified medical practitioner, residing and practising at (b) in the County of hereby certify that I, on the day of A.D. 19, at in the County of separately from any other medical practitioner, personally examined (c) of (d) (e) and after making due enquiry into all facts in connection with the case of the said necessary to be enquired into in order to enable me to form a satisfactory opinion, I certify that the said is insane, and is a proper person to be confined in a hospital for the insane (*if the insane person is an idiot, add and that the said is an idiot*), and that I have formed this opinion upon the following grounds, namely:

1. Appearance.
2. Conduct.
3. Conversation.

1. Facts indicating insanity observed by myself:*

*The facts upon which (from personal observation) the opinion of insanity has been formed should always be specified.

(f) State the information and from whom received.

2. Other facts (if any) indicating insanity, communicated to me by others: (f)

Signed this day of A.D. 19, at

Signed in the presence of

Witnesses.

1.

2.

Signature of Examining Practitioner.

N.B.—No person will be admitted to any Hospital for the Insane without the approval of the Superintendent or the Inspector, and the person should not be forwarded to such Hospital until notice has been received from the Superintendent or Inspector that admission has been awarded.

Extract from the Revised Statutes of Ontario (1914), Chap. 295, Sec. 7:

7. No person shall be admitted into any hospital, except as a voluntary patient or upon the warrant of the Lieutenant-Governor, without the certificates, Form 1, of two legally qualified medical practitioners, accompanied by the family history in the prescribed form and the financial and estate history in the prescribed form, and upon notice having been received from the superintendent of the hospital that there is a vacancy for the patient. 3-4 Geo. V. c. 83, Form 1.

3-4 Geo. V. c. 83, Form 1.

FORM 2.

(Section 13.)

WARRANT FOR THE APPREHENSION OF DANGEROUS INSANE PERSON

Province of Ontario }

County of }

To all or any of the Constables or other Peace Officers in the county of

Whereas information upon oath has this day been laid before the undersigned, one (*or as the case may be*) of His Majesty's Justices of the Peace in and for the said County of , that A.B. is insane and dangerous to be at large:

These are therefore to command you, in His Majesty's name, forthwith to apprehend the said A.B. and bring him before me (*or us*), or some one or more of His Majesty's Justices of the Peace in and for the said County, in order that inquiry may be made respecting the sanity of the said A.B., and that he may be further dealt with according to law.

Given under my (*or our*) hand and seal this day of ,
in the year of our Lord , at , in the
County of , [L. S.]

3-4 Geo. V. c. 83, Form 2.

FORM 3.

(Section 15.)

WARRANT OF COMMITTAL FOR SAFE CUSTODY PENDING ENQUIRY.

Province of Ontario }

County of }

To all or any of the Constables or Peace Officers in the County of

Whereas on the day of last past, information upon oath was laid before me (*or us*) one (*or as the case may be*) of His Majesty's Justices of the Peace in and for the said County of that A.B. is insane and dangerous to be at large; and whereas the hearing of the same is adjourned to the day of at o'clock in the (fore) noon at , and it is necessary that the said A.B. should in the meantime be kept in safe custody:

These are therefore to command you or any of you, the said Constables or Peace Officers in His Majesty's name, forthwith to convey the said A.B. to , and there deliver him to the custody of , together with this precept;

And I hereby require you the said to receive the said A.B. into your custody and there safely keep him until the day of (instant), when you are hereby required to convey and have him the said A.B. at the time and place to which the said hearing is so adjourned as aforesaid, before such Justice or Justices of the Peace for the said County as may then be there to make further enquiry respecting his sanity, and to be further dealt with according to law.

Given under my (*or our*) hand and seal this day of ,
in the year of our Lord at in the county aforesaid.

3-4 Geo. V. c. 83, Form 3.

FORM 4.

(Section 19.)

CERTIFICATE OF JUSTICE.

Province of Ontario, }
County of }

I, the undersigned *C.D.*, Esquire, one of His Majesty's Justices of the Peace for the County of , do hereby certify that I have on this day of , A.D. 19 , personally examined *A.B.* of the of in the county of , and I do hereby further certify that from such personal examination, and from the evidence adduced thereon, I am of opinion that the said *A.B.* is insane and dangerous to be at large.

Signed this day of , A.D. 19 , at in the County of

3-4 Geo. V. c. 83, Form 4.

FORM 5.

CERTIFICATE OF MEDICAL PRACTITIONER WHERE PERSON UNDER ARREST IS NOT FIT FOR HOSPITAL FOR THE INSANE.

I, the undersigned *C.D.* (*here set forth the qualification or degree of the person certifying: for example, Licentiate of the Medical Board; M. D. of the University of Toronto, etc.*), a legally qualified medical practitioner, residing and practising at , in the County of , do hereby certify that I, on the day of , A.D. 19 , at , in the County of , separately from any other medical practitioner, personally examined *A.B.*, (*give address of insane person*), and I further certify that I am satisfied that the said *A.B.*, is not insane (*or that the said A.B., though insane, is not dangerous to be at large*), and is not in my opinion a fit person to be confined in a Hospital for the Insane.

Signed this day of , A.D. 19 , at in the County of

3-4 Geo. V. c. 83, Form 5.

FORM 6.

CERTIFICATE OF JUSTICE WHEN PERSON UNDER ARREST IS INSANE.

Province of Ontario }
County of }

I, the undersigned *C.D.*, one of His Majesty's justices of the peace for the county of , do hereby certify that I have on this day of , A.D. 19 , personally examined *A.B.* (*give his address*), and I do hereby further certify that from such personal examination, and from the evidence adduced thereon, I am of opinion that the said *A.B.* is insane, and that the said *A.B.* is a proper person to be confined in a Hospital for the Insane.

Signed this day of , A.D. 19 , at , in the County of

3-4 Geo. V. c. 83, Form 6.

FORM 7.

INFORMATION TO BE ELICITED UPON ENQUIRY.

QUESTION	ANSWER
1. The name in full of alleged insane person.....	
2. Post Office address of such person	
3. County in which apprehended	
4. City, Town, Village or Township in which apprehended	
5. How long a resident of such City, Town, Village or Township	
6. Age	
7. Occupation	
8. Religion	
9. Nationality	
10. Sex	
11. Whether married or single, and if single, whether ever married...	
12. Name and Post Office address of husband, wife, parent or guardian, if any, and if guardian state relationship.....	
13. Number of children, if any, their names and ages, and their Post Office addresses and, if under age, state with whom residing	
14. How long such person has been insane	
15. Duration of the present attack, and whether the first	
16. How the insanity first showed itself, and the supposed causes	
17. Whether any delusions, and if so what they are.	
18. Whether such person is suicidal or dangerous to others	

QUESTION	ANSWER
19. Whether any offence has ever been committed by such person, and whether such person has ever been convicted of same, with all particulars	
20. Whether such person is subject to epilepsy or paralysis	
21. Whether any of the other members of such person's family have suffered in a similar way, and whether such person has ever been in an asylum, and if so when and where	
22. What have been the habits of such person as to temperance, industry and general conduct, and in what manner they have changed — whether the change has been recent, gradual or sudden	
23. Whether such person has been subject to any bodily ailments, and if so their nature	
24. Degree of education of such person, and any other information that will in the opinion of the Justice or Justices aid the Medical Superintendent in the treatment of the case	
25. Whether such person is idiotic, imbecile or incurable	
26. Whether the friends or relations of such person, or any of them, if such there be, are able to contribute to the maintenance of such person while in an asylum, and which, if any of such friends, and how much they or any of them can contribute	
27. Has such person any property, real or personal? What does it consist of and where is it situated; also state value and encumbrances, if any?...	

QUESTION	ANSWER
28. Has such person any moneys on deposit in banks? If so, in what bank and in whose possession are the deposit receipts, bank books or other acknowledgments of such deposit?	
29. Give the name and Post Office address of the person in whose possession such acknowledgments, if any, are.....	
30. If such alleged insane person is under the age of twenty-one years, what property, real or personal, has the parent or guardian? What does it consist of and where is it situated; also state value and encumbrances, if any	
31. Has such person any one dependent upon him for support? If so, state relationship, names, ages, and Post Office addresses.	

Signature of Justice.

Post Office Address.

Date

19

N.B.—The above form should be carefully filed in and should contain all the information available.

3-4 Geo. V. c. 83, Form 7.

FORM 8.

*(Section 12.)*FORM OF APPLICATION FOR THE ADMISSION OF A VOLUNTARY PATIENT
TO THE HOSPITAL FOR THE INSANE AT

I, _____ of the _____ of _____ in the County of _____
being _____ request the Superintendent of the Hospital
for the Insane at _____ to admit me as a Voluntary Patient,
and I hereby pledge myself to remain in the said Hospital at
_____ for a period, not exceeding one year, which the said
Superintendent may deem necessary to effect a permanent cure in
my case; and I further pledge myself to give at least five full days'
notice in writing to the said Superintendent of my intention to leave
the said Hospital for the Insane; and I further pledge myself to
submit to the rules and regulations of the said Hospital now in
force or which may hereafter be enacted and to carry out or
assist in carrying out all the directions which the said Superintendent
may give for my treatment, and also to conduct myself in such a
manner as not to be guilty of any conduct prejudicial to the good
order and discipline of the said Hospital.

Signed this _____ day of _____, A.D. 191 _____, at
in the County of _____

In the presence of _____

I hereby testify that the above named person _____ is as
stated in the above application a _____ and that he is a
reasonably hopeful subject for treatment with a view to effecting
a cure of his malady.

M.D.

Dated at _____ A.D. 191 _____.

3-4 Geo. V. c. 83, Form 8.

CHAPTER 296.

An Act respecting Private Sanitaria for
Mental Diseases.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Private Sanitarium Act*. Short title.
3-4 Geo. V. c. 85, s. 1.

2. In this Act

- (a) "Board" shall mean Board of Visitors; Interpretation.
"Board."
- (b) "Drug habituate" shall mean a person who habitually uses any poisonous or narcotic drug or other substance in such quantities or so frequently as to endanger his health or reason; "Drug habituate."
- (c) "Inspector" shall mean the Inspector designated by the Minister to inspect Hospitals and Public Charities under *The Prisons and Public Charities Inspection Act*, to whom is assigned the duty of inspecting institutions subject to this Act; Rev. Stat. c. 301.
"Inspector."
- (d) "Intoxicating liquor" shall have the meaning given to it by *The Liquor License Act*; "Intoxicating liquor."
Rev. Stat. c. 215.
"Minister."
- (e) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;
- (f) "Proprietor" shall mean every person or corporation to whom a license is granted under the provisions of this Act, and every person or corporation keeping, owning or having any interest or exercising any duties or powers of a proprietor in a sanitarium; "Proprietor."
- (g) "Sanitarium" shall mean an institution for the care and treatment of mental and nervous diseases licensed under the provisions of this Act. "Sanitarium."

3-4 Geo. V. c. 85, s. 2.

LICENSE, HOW OBTAINED, ETC.

3. When the proprietor of a sanitarium desires to obtain a license for such sanitarium under the provisions of this Act, he shall give notice thereof to the Minister. Notice of application for license
3-4 Geo. V. c. 85, s. 3.

Contents of
notice.

4. The notice shall contain the Christian name and surname, place of abode and occupation of the proprietor, unless such proprietor is a corporation, when the name and chief place of business of the corporation shall be given, and a true and full description of such proprietor's estate or interest in such house; and if the proprietor to whom the license is desired to be granted does not propose to reside himself in the licensed house the notice shall contain the Christian name and surname, place of abode and occupation of the superintendent who is to reside therein. 3-4 Geo. V. c. 58, s. 4.

Plan of the
house, etc.

5. The notice shall be accompanied by a plan of the house, drawn upon a scale of not less than one-eighth of an inch to a foot, with a statement showing

Its situa-
tion.

(a) the situation thereof;

Size of room.

(b) the length, breadth and height of, and a reference by a figure or letter to every room and apartment therein;

Extent of
grounds.

(c) the quantity of land not covered by any building annexed to such house, and appropriated to the exclusive use, exercise and recreation of the patients proposed to be received therein;

Number of
patients
provided for.

(d) the number of patients proposed to be received into such institution, and whether the license so applied for is for the reception of male or female patients or of both, and if for the reception of both the number of each sex proposed to be received in such institution, and the means by which the one sex may be kept separate and apart from the other;

Sanitary
regulations,
etc.

(e) the sanitary arrangements, ventilation, heating and water supply, and the fire escapes and the facilities provided for use in case of fire and the means for preventing fires. 3-4 Geo. V. c. 85, s. 5.

Time for
sending notice
to inspector.

6.—(1) The notice, with the plan and statements required by the next preceding section, shall be sent to the Inspector at least two weeks before the reception of patients.

Inspector
to report.

(2) The Inspector shall thereupon visit the proposed sanitarium and inspect the same, and report thereon to the Lieutenant-Governor in Council. 3-4 Geo. V. c. 85, s. 6.

License to
proprietors.

7. If the Inspector reports that the buildings and premises are ready and fit for occupation as a sanitarium the Lieutenant-Governor in Council may issue a license to the proprietor to keep and maintain the same for the purposes of a sanitarium and receive therein the number of patients named in the Inspector's report; and such license shall continue in force until revoked by the Lieutenant-Governor in Council on the report of the Inspector. 3-4 Geo. V. c. 85, s. 7.

8. No such license shall be granted unless the proprietor gives security to His Majesty in the sum of \$1,000 under the usual conditions for the good behaviour of such proprietor during the time for which the license continues in force. 3-4 Geo. V. c. 85, s. 8.

Security by
licensee.

BOARD OF VISITORS.

9.—(1) Every sanitarium shall be under the supervision and inspection of a Board of Visitors composed of the judge or, in the case of his absence or disqualification, a junior or deputy judge of the county or district court, the clerk of the peace and the sheriff of the county or district in which the sanitarium is situate, together with two legally qualified medical practitioners appointed by the Lieutenant-Governor in Council who shall hold office for three years unless sooner removed by him.

Board of
Visitors.

(2) The judge shall be the chairman and the clerk of the peace shall be the secretary of the Board.

Chairman
and secre-
tary.

(3) The members of the Board shall be paid by the proprietor such allowance for their services as the Lieutenant-Governor in Council may direct. 3-4 Geo. V. c. 85, s. 9.

Allowance
to members.

10.—(1) No member of the Board shall be pecuniarily interested in any sanitarium, either directly or indirectly, and any member who after his appointment becomes interested in any sanitarium either as proprietor or part owner, or by the sale of merchandise to such a sanitarium or in any other way, shall thereupon become disqualified from acting and shall not thereafter act in such capacity.

Visitors
not to have
a pecuniary
interest in
any sani-
tarium.

(2) If a member of the Board is or becomes so disqualified the Lieutenant-Governor in Council may appoint some one to act in his stead. 3-4 Geo. V. c. 85, s. 10.

Appoint-
ment in case
of disquali-
fication.

11.—(1) Every visitor shall, before acting, take and subscribe the following oath:

Oath of
visitors.

"I, A.B., do swear that I will discreetly, impartially and faithfully execute all the trusts and powers committed to me by virtue of *The Private Sanitarium Act*, and that I will keep secret all such matters as come to my knowledge in the execution of my office, except when required to divulge the same by legal authority, or so far as I feel myself called upon to do so for the better execution of the duty imposed upon me by the said Act."

(2) The oath shall be filed in the office of the clerk of the peace. 3-4 Geo. V. c. 85, s. 11.

Oath to be
filed.

12. The secretary shall summon the Board to meet for the purpose of executing their duties under this Act. 3-4 Geo. V. c. 85, s. 12.

Meeting of
Visitors.

Visitors' meetings to be private.

13. Every such summons and meeting shall be made and held as privately as possible and in such manner that no proprietor, superintendent or person interested in or employed about or connected with the sanitarium to be visited shall know of such intended visitation. 3-4 Geo. V. c. 85, s. 13.

Assistant secretary.

14.—(1) If the secretary at any time desires to employ an assistant in the execution of the duties of his office he shall certify such desire and the name of the proposed assistant to the chairman of the Board, and if such assistant is approved of the chairman shall administer the following oath to such assistant:

Oath of.

"I, A.B., do swear that I will faithfully keep secret all such matters and things as come to my knowledge in consequence of my employment as assistant to the secretary of the Board of Visitors, appointed for the county or district of _____ by virtue of *The Private Sanitarium Act*, unless required to divulge the same by legal authority: So help me God."

At whose cost.

(2) The secretary may thereafter, at his own cost, employ such assistant. 3-4 Geo. V. c. 85, s. 14.

Restrictions upon physicians who are visitors.

15.—(1) No medical practitioner who is a member of the Board shall sign any certificate for the admission of any patient into any sanitarium or shall professionally attend upon any patient therein unless he is directed to visit such patient by the person upon whose order such patient has been received into the sanitarium, or by the Minister or by one of the Judges of the Supreme Court, or by some person appointed by one of such Judges for that purpose.

Penalty.

(2) For every contravention of subsection 1 the medical practitioner shall incur a penalty of \$200. 3-4 Geo. V. c. 85, s. 15.

REMOVAL OF SUPERINTENDENT.

Removal of superintendent.

16. A proprietor may remove the superintendent named in the notice, and may at any time appoint another superintendent upon giving to the Board a notice containing the Christian name and surname, place of abode and occupation of the new superintendent. 3-4 Geo. V. c. 85, s. 16.

FEEs FOR LICENSES.

Fees.

17. For every license there shall be paid to the clerk of the peace for the county or district in which the sanitarium is located, for every patient proposed to be received therein, the sum of \$5, and if the total amount so payable does not amount to \$200 so much more as together therewith will make up the sum of \$200; and no such license shall be delivered until the sum payable for the same has been paid. 3-4 Geo. V. c. 85, s. 17.

18. All money received for licenses granted under this Act shall be applied towards the payment of the allowance to the secretary for his services and the discharge of the costs, charges and expenses incurred by or under the authority of the Board in the execution of or by virtue of this Act. Application of fees. 3-4 Geo. V. c. 85, s. 18.

19. The clerk of the peace shall keep an account of all money received and paid by him under this Act, and such accounts shall be made up to the last day of December in each year inclusively, and shall be signed by two at least of the members of the Board and forwarded to the Minister. Clerk of the Peace to keep accounts of moneys received or expended. 3-4 Geo. V. c. 85, s. 19.

ADDITIONS AND ALTERATIONS TO LICENSED PREMISES.

20. No one license shall include or extend to more than one sanitarium; but if there is any place or building detached from the sanitarium, but not separated from it by ground belonging to any other person, and if such place or building is specified, delineated and described in the prescribed notice, plan and statement in the same manner in all particulars as if the same had formed part of such sanitarium, then such detached place or building, if the Lieutenant-Governor in Council thinks fit, may be included in the license for the sanitarium, and if so included shall be considered part of such sanitarium for the purposes of this Act. To what premises license may extend. 3-4 Geo. V. c. 85, s. 20.

21. No addition or alteration shall be made to, in or about any sanitarium, or the appurtenances, unless previous notice in writing of the proposed addition or alteration, accompanied with a plan thereof, drawn upon the prescribed scale and accompanied by the prescribed statement, has been given to the Inspector by the proprietor, nor unless the approval of the Lieutenant-Governor in Council has been previously obtained. Alterations in sanitarium. 3-4 Geo. V. c. 85, s. 21.

TRANSFERS AND REMOVALS.

22. If a proprietor becomes incapable of keeping the sanitarium or dies before the expiration of the license the Lieutenant-Governor in Council may authorize the transfer of the license, for the term then unexpired, to the person who at the time of such incapacity or death was the superintendent of such house or had the care of the patients therein, or to such other person as the Lieutenant-Governor in Council may approve; and in the meantime the license shall remain in force and have the same effect as if granted to the superintendent. When license transferable. 3-4 Geo. V. c. 85, s. 22.

Survivor-
ship.

23. If a license has been granted to two or more persons, and one or more of such persons die leaving the other or others surviving, the license shall remain in force and have the same effect as if granted to the survivor or survivors. 3-4 Geo. V. c. 85, s. 23.

Removal
to other
premises.

24.—(1) If a sanitarium is pulled down or becomes unfit for the accommodation of patients, or if the proprietor desires to transfer the patients to another building, the Lieutenant-Governor in Council may grant to him a license to keep such other building for the reception of patients for such time as the Lieutenant-Governor in Council thinks fit; but the like notice of such intended change and the like plans and statements of and as to such intended new building shall be given as are required when application is first made for a license for a sanitarium, and shall be accompanied by a statement in writing of the cause of the change.

Fee for
license for
transfer.

(2) A fee of \$25 shall be payable by the licensee to the clerk of the peace upon the issue of the license.

Notice of
intended
removal.

(3) Except where the change is occasioned by fire or tempest seven clear days' previous notice of the intended removal shall be sent by the proprietor to the person who signed the requisition for the reception of each patient or the person by whom the last payment on account of each patient had been made. 3-4 Geo. V. c. 85, s. 24.

ADMISSION OF PATIENTS.

Orders for
admission
of patient.

25.—(1) Subject to the provisions and exceptions herein-after made no person, whether he is or is represented to be mentally diseased, or only a boarder or lodger in respect of whom any money is paid or agreed to be paid for board, lodging or any other accommodation, shall be received into or detained in any sanitarium without a requisition under the hand of some person according to and stating the particulars mentioned in Form 1, nor without separate certificates, according to Form 2, of two legally qualified medical practitioners not being partners or brothers, or father and son, each of whom separately from the other has personally examined the person to whom the certificates relate not more than fifteen clear days previous to the reception of such person into such sanitarium, and each of whom has signed and dated the certificate on the day on which such person was so examined.

Medical cer-
tificates.

Contents.

(2) Every medical practitioner who signs a certificate shall state therein that he has personally examined the person to whom the certificate relates, and that from such examination and from the evidence adduced before him, he is of opinion that such person is mentally diseased, and a proper person to be confined in a sanitarium for mental diseases;

and he shall also state the facts and evidence adduced before him which led to such opinion; and he shall therein distinguish the facts observed by himself from facts communicated to him by others. 3-4 Geo. V. c. 85, s. 25.

26.—(1) The superintendent of a sanitarium may admit to and detain in it any person domiciled out of Ontario who is certified to be mentally diseased by two duly qualified medical practitioners of the place out of Ontario in which such person has his domicile, if certificates are made *mutatis mutandis* according to Form 2, but any person domiciled out of Ontario so admitted and detained in a sanitarium shall, within fifteen days of such admission, be examined by one legally qualified medical practitioner of Ontario who shall certify according to Form 2. Patients from other countries.

(2) The certificates shall be a sufficient authority to any person to convey the patient to the sanitarium and to the superintendent thereof to detain him therein, or to the superintendent of any hospital for the insane to which the patient may afterwards be transferred by the order of the Inspector, to receive such patient in such hospital and to detain him therein as long as he continues to be mentally diseased. Effect of medical certificates. 3-4 Geo. V. c. 85, s. 26.

27. Any person may, under special circumstances, be received into the sanitarium upon a requisition accompanied by the certificate of one legally qualified medical practitioner if the requisition states special circumstances which prevented the person from being examined by two duly qualified medical practitioners; but in every such case another certificate shall be signed by some other legally qualified medical practitioner, not connected with any sanitarium, who has specially examined such person within three days after his reception into such sanitarium. When certificate of one physician sufficient. 3-4 Geo. V. c. 85, s. 27.

28. Subject to the provisions and exceptions hereinafter made no person shall receive to board and lodge in any building not licensed under this Act or take the charge or care of more than two mentally diseased persons at the same time. Restrictions upon unlicensed houses. 3-4 Geo. V. c. 85, s. 28.

29. Every person who receives to board or lodge in a building not licensed under this Act, or takes the care or charge of a person mentally diseased, shall within one month next after receiving such person into his house or under his care notify the Inspector thereof. Duty to notify Inspector. 3-4 Geo. V. c. 85, s. 29.

30. No medical practitioner who, or whose father, brother, son or partner, is wholly or partly the proprietor of or a regular professional attendant in a sanitarium shall sign any certificate for the reception therein of a patient; and no medical practitioner who, or whose father, brother, son or When physician not allowed to certify.

partner, signs the prescribed requisition for the reception of a patient shall sign any certificate for the reception of the same patient. 3-4 Geo. V. c. 85, s. 30.

Penalty on physician giving false certificate maliciously.

31.—(1) Any medical practitioner who maliciously or corruptly signs any false certificate for the purpose of procuring the confinement of any sane person in a sanitarium shall, upon judgment being given against him in an action for damages on account of such malicious or corrupt act, *ipso facto* be incapacitated from practising in Ontario for the period of five years thereafter.

Removal from register.

(2) The name of such medical practitioner shall upon production of a certified copy of the judgment to the registrar of the College of Physicians and Surgeons of Ontario be removed from the register. 3-4 Geo. V. c. 85, s. 31.

Admission of voluntary patient.

32.—(1) The superintendent of a sanitarium, upon the written application of any person who is desirous of submitting himself for treatment of any nervous or physical ailment, may receive and detain him therein upon the certificate of one legally qualified medical practitioner that such person is afflicted with any such ailment and that there is danger that such ailment will develop into mental derangement unless it is properly treated.

Discharge.

(2) No person so admitted shall be detained more than three days after he has given notice in writing to the superintendent of his desire to leave the sanitarium.

Notice of admission to board of visitors.

(3) The superintendent shall give immediate notice of the reception of such person to the secretary of the Board, stating all the particulars of the case; and one or more members of the Board or the secretary shall forthwith visit such patient in order to verify the fact of his having been admitted voluntarily; and all the facts in connection with the case shall be forthwith recorded in the visitors' book by the person making the inquiry. 3-4 Geo. V. c. 85, s. 32.

Visit by the board.

Record of visit.

Books to be kept and entries made therein.

33.—(1) Every proprietor or superintendent who receives a patient into a sanitarium shall, within two days after his reception, make an entry with respect to him in a book to be kept for that purpose, to be called "Register of Patients," according to the form and containing the particulars mentioned in Form 3, so far as he can ascertain the same, and when a patient is discharged or dies an entry of the fact shall be made in the appropriate column.

Penalty.

(2) Every person who contravenes subsection 1 shall incur a penalty not exceeding \$10. 3-4 Geo. V. c. 85, s. 33.

Record of.

34. The form of the mental disorder, if any, of every patient received into a sanitarium shall, within seven days after his reception, be entered in the clinical record by the

medical attendant, and every medical attendant who omits to make such entry shall, for every such omission, incur a penalty not exceeding \$10. 3-4 Geo. V. c. 85, s. 34. Penalty.

35. The proprietor or superintendent of every sanitarium shall, after two clear days and before the expiration of seven clear days from the day on which any patient has been received into the sanitarium, transmit to the secretary of the Board a copy of the requisition and medical certificates or certificate on which the patient was received, and also a notice and statement according to Form 4. 3-4 Geo. V. c. 85, s. 35. Copy of order for Visitors.

PROCEDURE IN CASE OF ESCAPE.

36.—(1) Where a patient has escaped from a sanitarium, the proprietor or superintendent shall, within two clear days next after the escape, transmit written notice thereof to the Inspector and to the secretary of the Board. Escape. Notice.

(2) The notice shall state the Christian name and surname of the patient, and his then state of mind, and the circumstances connected with the escape. Contents of notice.

(3) The patient may be retaken at any time within one month after his escape and brought back to and detained in the sanitarium. Capture.

(4) If the patient is brought back, the proprietor or superintendent shall within two clear days thereafter transmit written notice thereof to the Inspector and the secretary. Notice of capture.

(5) The notice shall state when the patient was so brought back and under what circumstances, and whether with or without a fresh requisition and certificate. Contents.

(6) Every proprietor or superintendent who omits to transmit such notice, whether of escape or of return, shall, for every such omission, incur a penalty not exceeding \$50. 3-4 Geo. V. c. 85, s. 36. Penalty.

REMOVAL, DISCHARGE, DEATH, ETC.

37. Where a patient is removed or discharged from a sanitarium or dies therein, the proprietor or superintendent shall, within two clear days next after such removal, discharge or death, make an entry thereof in a book to be kept for that purpose, according to Form 5, and stating the particulars in Form 5, and shall also within the same period transmit written notice thereof, Form 6, and also of the cause of the removal, discharge or death, if known, to the Inspector and to the secretary of the Board. 3-4 Geo. V. c. 85, s. 37. Entry or removal, discharge, etc. Notice.

38.—(1) Where a patient dies in a sanitarium, a statement of the cause of death, with the name of any person present at the death, shall be forthwith drawn up and signed Certificate required in case of death.

by the superintendent of the sanitarium; and a copy thereof duly certified by the proprietor or superintendent shall, within forty-eight hours after the death of the patient, be transmitted by him to the nearest coroner and to the Inspector and to the secretary of the Board, and also to the person who signed the requisition for the patient's admission or, if he is dead or absent from Ontario, to the person who made the last payment on account of the patient.

Penalty.

(2) Every person who contravenes subsection 1 shall incur a penalty not exceeding \$200. 3-4 Geo. V. c. 85, s. 38.

Rights of discharged patient.

39. Where a person discharged from a sanitarium considers himself to have been unjustly detained therein the secretary of the Board shall, at his request, furnish to him or to his solicitor, without fee or reward, a copy of the certificates and requisition upon which he was admitted or detained. 3-4 Geo. V. c. 85, s. 39.

MEDICAL ATTENDANCE.

Staff of medical attendants.

40.—(1) In every sanitarium licensed for one hundred patients or more there shall be a legally qualified resident medical practitioner as superintendent or medical attendant thereof and one legally qualified medical practitioner for each thirty patients over the first thirty in residence; and in every such sanitarium licensed for less than one hundred and more than fifty patients there shall be one legally qualified medical practitioner for each thirty patients in residence; and every sanitarium licensed for less than fifty patients, if it is not kept by or has not a resident legally qualified medical practitioner, shall be visited by one twice in every week; but the Board or the Inspector may direct that such last mentioned sanitarium shall be visited by a legally qualified medical practitioner at any other time or times not oftener than once in every day.

When less than eleven patients.

(2) Where a sanitarium is licensed to receive less than eleven patients any two members of the Board may, by writing under their hands, permit the sanitarium to be visited by a physician at such intervals more distant than twice every week, as such visitors appoint, but not at a greater interval than once in every two weeks. 3-4 Geo. V. c. 85, s. 40.

"The Clinical Record."

41.—(1) There shall be kept in every sanitarium a record to be called "The Clinical Record" in which the physician keeping or residing in or visiting such sanitarium shall make or cause to be made entries at least every week of the mental state and bodily condition of each patient and a correct statement of the treatment pursued.

Duty to furnish copies.

(2) The Inspector or the Board may, whenever they see fit, by an order in writing, require the superintendent to transmit to him or them a correct copy of the entries or entry in

the clinical record relative to the case of any patient who is or has been detained in the sanitarium.

(3) Every person who contravenes any of the provisions of Penalty. subsection 1 or subsection 2 shall incur a penalty not exceeding \$40. 3-4 Geo. V. c. 85, s. 41.

42. There shall also be kept and observed such forms and regulations as the Inspector shall from time to time direct for Forms and regulations. the further purpose of recording clinical particulars regarding patients' mental and physical condition and reporting particulars regarding the estates of patients. 3-4 Geo. V. c. 85, s. 42.

INSPECTION OF SANITARIA.

43. Every sanitarium shall be visited and inspected Inspection and visitation.

(a) by two at least of the members of the Board, one of whom shall be a legally qualified medical practitioner, four times at the least in every year; and Inspection by Visitors.

(b) at least once in every year by the Inspector who By Inspector. shall prepare and forward a full report of his visit of inspection to the Minister. 3-4 Geo. V. c. 85, s. 43.

44.—(1) The visitors and Inspector, when visiting any such sanitarium, shall inspect every part of it and every house, out-house, place and building communicating with it or detached from it, but not separated by ground belonging to another person, and every part of the ground and appurtenances held, used or occupied therewith, and shall see every patient then detained therein, and shall inquire whether any patient is under restraint and why, and shall inspect the order and certificates or certificate for the reception and detention of every patient who has been received into the sanitarium since the last visit, and shall enter in the visitors' book a minute as to Duties of in making visits.

(a) the then condition of the sanitarium, its furniture, furnishings and surroundings;

(b) the appearance of the patients, particularly noting if there are any marks of violence;

(c) the condition of the beds and bedding;

(d) whether the dietary is suitable and the food service satisfactory;

(e) whether the staff is sufficient;

(f) the number of patients under restraint or in seclusion with the reasons stated therefor;

(g) any irregularity in the order or certificate;

- (h) whether the previous suggestions, if any, of the Inspector or visitors have been attended to; and
- (i) any matter as to which they deem it proper to make observations.

Duties of proprietor or superintendent.

(2) The proprietor or superintendent shall show to the visitors or Inspector every part of the sanitarium and every person detained therein as a patient.

Inquiries to be made by the visitors.

(3) The visitors and Inspector shall inquire

- (a) whether divine service is held therein, for what number of patients, and the effect thereof;
- (b) what occupations or amusements are provided for the patients, and the result thereof;
- (c) whether there has been adopted any system of non-restraint, and if so the result thereof;
- (d) as to the classification of patients;
- (e) whether there is any patient who should be discharged;
- (f) whether the building, its furniture and furnishings are suitable;
- (g) whether the nurses engaged in caring for the patients are properly trained for the work in which they are engaged, and how many trained graduate nurses are employed, and
- (h) as to any other matter as to which it may be proper to enquire in order to ascertain whether the sanitarium is properly conducted.

What information to be laid before the visitors.

(4) Upon every visit there shall be laid before the visitors or the Inspector by the proprietor or superintendent

- (a) a list of all the patients then in the sanitarium, distinguishing males from females, and specifying such as are deemed curable;
- (b) the books and records required to be kept by the proprietor or superintendent, and by a medical attendant;
- (c) all requisitions and certificates relating to patients admitted since the last visit;
- (d) the license then in force;
- (e) all such other requisitions, certificates, documents and papers relating to any of the patients at any time received into the sanitarium as the visitors or Inspector from time to time require to be produced. 3-4 Geo. V. c. 85, s. 44.

45. There shall be hung up in some conspicuous part of Plan and every sanitarium a copy of the plan sent to the Inspector on ^{Visitors' Book} applying for the license, and there shall be kept in every such ^{to be kept.} sanitarium a copy of this Act, bound in a book, to be called "The Visitors' Book." 3-4 Geo. V. c. 85, s. 45.

46.—(1) The proprietor or superintendent of every sani- ^{Copies of certain} tarium shall, within three days after every visit by the visi- ^{entries.} tors, transmit to the Inspector and the secretary of the Board a true copy of the entries made by them in "The Visitors' Book."

(2) The proprietor or superintendent of every sanitarium ^{Monthly report to Inspector.} shall, on the last day of each month, report to the Inspector the name of each patient admitted during that month, and transmit copies of the certificates and papers upon which each such patient was admitted, and shall at any and all times furnish to the Inspector such other reports and information relative to any patient as may be required by him.

(3) Every person who contravenes any of the provisions ^{Penalty for omission.} of subsections 1 and 2 shall incur a penalty not exceeding \$40. 3-4 Geo. V. c. 85, s. 46.

47. The Inspector or any two or more members of the ^{Visits.} Board may visit and inspect a sanitarium within their jurisdiction at any hour of the day or night. 3-4 Geo. V. c. 85, s. 47.

DISCHARGE OF PATIENTS.

48.—(1) Subject to subsection 3, where the person who ^{Order for discharge.} signed the requisition on which a patient was received into a sanitarium, by writing under his hand, directs the patient to be removed or discharged, such patient shall forthwith be removed or discharged accordingly.

(2) Subject to subsection 3, if the person who signed the ^{Disability of person who signed the requisition for admission.} requisition is incapable of giving an order for the discharge or removal of the patient, or if he is absent from Ontario or is dead, the husband or wife of the patient, or if there is no husband or wife, the father of the patient, or if there is no father, the mother of the patient, or if there is no mother, then any one of the nearest of kin for the time being of the patient, or the person who made the last payment on account of the patient, may, by writing under his or her hand, give such direction for the discharge or removal of the patient, and thereupon the patient shall be forthwith discharged or removed accordingly.

(3) No patient shall be discharged or removed if the ^{What to be done if the physician in charge objects.} superintendent or attending physician, by writing under his hand, certifies that in his opinion the patient is dangerous and unfit to be at large, together with the grounds on which such opinion is founded, unless the Inspector, after such cer-

tificate has been produced to him, gives his consent in writing to the discharge or removal of the patient. 3-4 Geo. V. c. 85, s. 48.

Transfer
to another
sanitarium
or to a hos-
pital for
the insane.

49. Nothing herein shall prevent a patient from being transferred from one sanitarium to another or to a hospital for the insane, but in such case the patient shall, for the purpose of such removal, be placed under the control of an attendant belonging to the sanitarium to or from which he is about to be removed, and shall remain under such control until the removal has been effected. 3-4 Geo. V. c. 85, s. 49.

Discharge
of patients
by order of
Inspector or
visitors.

50.—(1) The Inspector or any two or more members of the Board, one of whom is a legally qualified medical practitioner, may make special visits to any patient on such days and at such hours as they think fit; and if after two distinct and separate visits made by the same visitors or Inspector it appears that the patient is detained without sufficient cause such visitors or the Inspector may order his discharge and the patient shall be discharged accordingly.

Prerequi-
sites.

(2) Every such order shall be signed by such visitors or Inspector, and the discharge of a patient shall not be ordered until after a conference with the superintendent or an attending medical practitioner respecting the fitness of the patient to be discharged.

Objections
of physician
in charge
to be re-
corded.

(3) If the visitors or Inspector, after such conference, discharge a patient, and the superintendent or medical practitioner has furnished them with a statement in writing containing his reasons against the discharge, they or he shall forthwith transmit such statement to the secretary of the Board, who shall enter and register it in a book to be kept for that purpose.

Time to
intervene
between
special
visits, etc.

(4) Not less than seven days shall intervene between the first and second of such special visits, and the Board or Inspector shall, seven days before the second of such visits, give notice thereof, either by post or by an entry in "The Visitors' Book," to the proprietor or superintendent of the sanitarium; and the proprietor or superintendent shall forthwith if possible transmit by registered post a copy of the notice to the person by whose authority the patient was admitted or by whom the last payment on account of such patient was made.

What
patients the
visitors
cannot
discharge.

(5) None of the powers of discharge shall extend to a patient confined under an order or the authority of the Lieutenant-Governor or under the order of any court of criminal jurisdiction. 3-4 Geo. V. c. 85, s. 50.

ORDER FOR INFORMATION.

Information
respecting
individuals
detained in
sanitarium.

51. If a person applies to a member of the Board or to the Inspector to be informed whether any particular person is detained in a sanitarium the member or Inspector may

give a direction so to do to the secretary of the Board who shall on the receipt of such direction make search amongst the returns made to him in pursuance of this Act, whether the person inquired for is or, within the then last twelve months, has been detained in any sanitarium under the jurisdiction of the Board; and if it appears that such person is or has been so detained the secretary shall deliver to the person applying a statement in writing specifying

- (a) the name and location of the sanitarium in which the person appears to be or to have been detained;
- (b) the name of the proprietor or superintendent thereof;
- (c) the date of admission of such person; and
- (d) in case of his having been removed or discharged, the date of his removal or discharge. 3-4 Geo. V. c. 85, s. 51.

ORDERS FOR ADMISSION.

52.—(1) Any member of the Board or the Inspector may, ^{Visits of relatives or friends.} at any time, give an order in writing under his hand for the admission to any patient detained in a sanitarium of any relation or friend of such patient or of any person whom any relation or friend of the patient desires to be admitted to him.

(2) The order may be either for a single admission or for ^{Extent.} an admission for any limited number of times or for admission generally at all reasonable times.

(3) If the proprietor or superintendent refuses admission ^{Penalty for refusing admission.} to or prevents or obstructs the admission to any patient of a person who produces such an order for his admission, he shall incur a penalty not exceeding \$80. 3-4 Geo. V. c. 85, s. 52.

MISCELLANEOUS PROVISIONS.

53.—(1) If the superintendent of a sanitarium considers ^{Entrusting patient to custody of his friends.} it conducive to the recovery of any patient that he should be entrusted for a time to the care of his friends the superintendent may allow such patient to return on trial to his friends upon receiving a written undertaking by one or more of them that he or they will keep an oversight over such patient.

(2) If within six months thereafter the patient becomes ^{Recommittal to sanitarium.} dangerous or unfit to be at large, the medical superintendent, with the consent of the Inspector or one of the visitors, to be indorsed on the warrant, may, by his warrant directed to any person or to any constable or peace officer or to all con-

stables or peace officers, authorize and direct that such patient be apprehended and brought back to the sanitarium; and the warrant so indorsed shall be an authority to any one acting under it to apprehend the person named in it and to bring him back to the sanitarium. 3-4 Geo. V. c. 85, s. 53.

Excursions
for benefit of
health.

54. The proprietor or superintendent of a sanitarium, with the consent in writing of any two of the visitors, may send or take under proper control any patient to any specified place for any definite time for the benefit of his health; but before such consent is given the approval in writing of the person who signed the requisition for the admission of the patient, or by whom the last payment on account of the patient was made, shall, if required, be produced to such visitors. 3-4 Geo. V. c. 85, s. 54.

Attend-
ance of
witnesses.

55.—(1) The Inspector or any two members of the Board may, by summons under their hands and seals, Form 7, require any person to appear before him or them to testify on oath the truth touching any matters respecting which such Inspector or visitors are authorized to enquire.

Penalty for
non-attend-
ance, etc.

(2) Every person who does not appear pursuant to such summons, or does not assign some reasonable excuse for not appearing, or appears and refuses to be sworn or examined, shall incur a penalty not exceeding \$200.

Expenses of
witnesses.

(3) The Inspector or the visitors may direct the secretary of the Board to pay to any person who appears pursuant to the summons all reasonable expenses of his appearance and attendance, and the same shall be deemed expenses incurred by the Board in the execution of this Act and to be taken into account and paid accordingly. 3-4 Geo. V. c. 85, s. 55.

Penalty for
supplying
liquor or
drugs to
inmates.

56. Every person who knowingly gives, conveys, or supplies to any patient detained in any sanitarium any intoxicating liquor or morphia, cocaine or other drug without the order of the superintendent first obtained in writing shall incur a penalty not exceeding \$50. 3-4 Geo. V. c. 85, s. 56.

Penalty for
assisting
inmates to
escape.

57. Every one who knowingly assists directly or indirectly any patient detained in a sanitarium to escape therefrom shall incur a penalty, on summary conviction before two justices of the peace, of a sum not exceeding \$100. 3-4 Geo. V. c. 85, s. 57.

How
penalties
to be dis-
posed of.

58. All penalties when recovered shall be paid to the clerk of the peace for the county or district in which the offence was committed, to be by him applied and accounted for as hereinbefore directed with respect to money received for licenses. 3-4 Geo. V. c. 85, s. 58.

Limitation
of actions.

59. If an action is brought against any person for anything done or purporting to be done in pursuance of this

Act by and on behalf of any person who has been detained in a sanitarium and has been released therefrom, the same shall be commenced within twelve months next after his release. 3-4 Geo. V. c. 85, s. 59.

60.—(1) No prosecution for any offence against this Act shall be brought except upon the order in writing of the Board or with the consent in writing of His Majesty's Attorney-General for Ontario. Leave to prosecute.

(2) *The Ontario Summary Convictions Act* shall apply to every such prosecution. Procedure. Rev. Stat. c. 90.

(3) Every such prosecution shall be heard before a police magistrate or two justices of the peace. 3-4 Geo. V. c. 85, s. 60. Before whom.

61. The costs, charges and expenses incurred by or under any order of the Board shall be paid by the clerk of the peace for the county, and be included by him in the account of receipts and payments hereinbefore directed to be kept by him. 3-4 Geo. V. c. 85, s. 61. Costs under orders, etc., of visitors provided for.

ADMISSION OF ALCOHOLIC HABITUATES.

62. If the license so permits, an alcoholic habituate may be admitted to a sanitarium upon his voluntary application in writing if it is certified by a legally qualified medical practitioner to the satisfaction of the superintendent that the applicant is an alcoholic habituate, that he is a reasonably hopeful subject for treatment with a view to his cure, and further, that at the time of his admission he is capable of appreciating the fact that he is to be admitted as a voluntary patient. 3-4 Geo. V. c. 85, s. 62. Admission of alcoholic habituates voluntarily.

63. Such alcoholic habituate may remain a patient in the sanitarium for a period of two years and no longer; and it shall be a condition of his admission that before his admission he shall sign a pledge agreeing and consenting to remain such length of time, not exceeding one year, as, in the opinion of the superintendent, is required to effect a permanent cure of his habit, and to faithfully conform to all the rules and regulations of the sanitarium while an inmate. 3-4 Geo. V. c. 85, s. 63. Period of detention.

64. The medical superintendent shall have full authority to discharge from the sanitarium when, in his opinion, it may be advisable, any person who has been admitted to it by his own voluntary application. 3-4 Geo. V. c. 85, s. 64. Discharge of voluntary patients.

65. On petition verified by oath, presented to a judge of the county or district court of the county or district in which the alleged alcoholic habituate resides, by any relative, whe- Admission at instance of relatives or friends.

ther by blood or affinity, or, if he has no relative in Ontario, by any friend of the alleged alcoholic habituate, setting forth that the alleged habituate is a *bona fide* resident of Ontario, and is so given over to drunkenness as to render him unable to control himself, and is incapable of managing his affairs, or that by reason of such drunkenness he either squanders or mismanages his property, or places his family in danger or distress, or transacts his business prejudicially to the interest of his family or his creditors, or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health and shortening his life thereby, and praying that a hearing and examination of the matters and allegations set forth in the petition may be had, the judge shall direct that a copy of the petition shall forthwith be served upon the alleged alcoholic habituate, and with such copy there shall be served an appointment signed by the judge, appointing a time and place for the hearing of the matters and allegations contained in the petition, and such service shall be at least eight clear days before the time fixed for the hearing. 3-4 Geo. V. c. 85, s. 65.

Hearing the petition.

66. The judge shall attend at the time and place named in the appointment and then and there proceed to inquire into the matters and allegations set forth in the petition; but he may in his discretion adjourn the enquiry from time to time. 3-4 Geo. V. c. 85, s. 66.

Powers of Judge.

67. The judge shall have the same powers as to summoning witnesses, enforcing their attendance and the production of documents as in proceedings in the county or district court; and each party may retain counsel to conduct the proceedings and to examine witnesses. 3-4 Geo. V. c. 85, s. 67.

Rights of parties.

Order for admission and detention.

68.—(1) If the judge upon such enquiry finds the person petitioned against to be an alcoholic habituate and so given over to drunkenness as to render him unable to control himself and incapable of managing his affairs, or that on that account he squanders or mismanages his property, or places his family in danger or distress, or transacts his business prejudicially to the interest of his family or his creditors, or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health or shortening his life, the judge may order him to be admitted to and detained in the sanitarium for a period not exceeding two years.

Arrangements.

(2) Before such order is made the judge shall ascertain that there is a vacancy in such sanitarium, and that satisfactory arrangements have been made with the medical superintendent thereof for the payment of the maintenance of such alcoholic habituate.

(3) The order for the conveyance of the alcoholic habituate to the sanitarium may be carried out by the sheriff or by any other person to whom it is directed. 3-4 Geo. V. c. 85, s. 68. Execution of order.

69. If an inmate of the sanitarium, admitted or committed under sections 62 or 68, escapes therefrom any officer or servant of the sanitarium or any other person at the request of the superintendent may, within forty-eight hours after such escape, or within one month thereafter when a warrant has been issued by the superintendent in that behalf, retake such escaped person and return him to the sanitarium where he shall remain under the authority by virtue of which he was detained prior to such escape. 3-4 Geo. V. c. 85, s. 69. Provision in case any party detained escapes.

70. All the provisions of this Act relating to alcoholic habituates shall extend *mutatis mutandis* to every person who is a drug habituate. 3-4 Geo. V. c. 85, s. 70. Drug habituates.

71. Sections 8 and 9 of *The Prisons and Public Charities Inspection Act* shall apply to sanitaria. 3-4 Geo. V. c. 85, s. 71. Rev. Stat. c. 101.

FORM 1.

(Section 25.)

REQUISITION FOR THE RECEPTION OF A PATIENT.

I, the undersigned, hereby request you to receive A.B., a person, mentally diseased, as a patient into your sanitarium.

Name.

[State occupation (if any) his place of abode, degree of relationship, if any, or other circumstances of connection with the patient.]

1. Name of Patient, with Christian name at length.
2. Sex and age.
3. Married, single, or widowed.
4. Condition of life and previous occupation (if any).
5. Previous place of abode.
6. Religious persuasion, so far as known.
7. Duration of existing attack.
8. Whether first attack.
9. Age (if known) on first attack.
10. Whether subject to epilepsy.
11. Whether suicidal or dangerous to others.
12. Previous place of confinement (if any).
13. Special circumstances (if any) preventing the patient being examined, before admission, separately by two physicians.
14. Special circumstances (if any) preventing the insertion of any of the above particulars.

Dated this day of , 19 .

(Signed) Name.

To

Proprietor (or, Superintendent) of
(describing sanitarium by situation and name, if any)

3-4 Geo. V. c. 85, Form 1.

FORM 2.

(Sections, 25, 26.)

FORM OF MEDICAL CERTIFICATE.

I, (state degree or qualification), being a legally qualified medical practitioner, hereby certify that I have this day, separately from any other medical practitioner, visited and personally examined A.B., the person named in the accompanying statement and requisition, and that the said A.B. is a person suffering from mental disease, and a proper person to be confined, and that I have formed this opinion from the following fact (or facts), viz.:

(Signed,) Name.

Place of abode.

Dated this day of , 19 .

3-4 Geo. V. c. 85, Form 2.

Witness }

FORM 5.

(Section 27.)

REGISTER OF DISCHARGES AND DEATHS.

[illegible]

3-4 Geo. V. c. 85, Form 5.

FORM 6.

(Section 37.)

FORM OF NOTICE OF DISCHARGE OR DEATH.

I hereby give you notice that a patient received
 into this sanitarium for mental diseases on the day of
 was discharged therefrom, recovered (or relieved, or
 not improved) (or was removed therefrom) by the authority of
 (or died therein) on the day of

(Signed)

Name.

Superintendent (or Proprietor)
 of house at

Dated this day of , 19 .

*In case of death, add—*and I further certify that A.B. was present
 at the death of the said , and that the apparent cause
 at the death of the said (ascertained by *post*
mortem examination, if so) was

3-4 Geo. V. c. 85, Form 6.

FORM 7.

(Section 55.)

FORM OF SUMMONS.

We, (names in full) being two of
 the visitors appointed under *The Private Sanitarium Act*, do hereby
 summon and require you personally to appear before us at
 in on
 the day of , at the hour of
 in the noon of the same day, and then and there to be
 examined, and to testify the truth touching certain matters relating
 to the execution of the said Act.

Given under our hands and seals, this day of
 in the year of our Lord, 19 .

3-4 Geo. V. c. 85, Form 7.

CHAPTER 297.

An Act respecting The Hospital for Epileptics.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Hospital for Epileptics* Short title.
Act.
2. The hospital for epileptics, established at the City of Woodstock, with all the lands, buildings and appurtenances, and any land hereafter purchased or acquired for the same, and any buildings hereafter erected thereon shall be for the public use of the Province, and shall be known and designated as "The Hospital for Epileptics." 6 Edw. VII. c. 60, s. 1. Designation of Hospital.
3. The object and design of such hospital shall be to secure Object. the curative and economical care and treatment of epileptics, other than insane epileptics. 6 Edw. VII. c. 60, s. 2.
4. The Inspector of Asylums for the insane, appointed Inspector. under *The Prisons and Public Charities Inspection Act*, shall Rev. Stat. c. 321. be the Inspector of the hospital, and shall have the same powers and perform the same duties in respect to it as are imposed upon him in respect of asylums for the insane by that Act. 6 Edw. VII. c. 60, s. 3.
5. The Lieutenant-Governor in Council may from time to time appoint for the hospital a Medical Superintendent, a Officers appointment of. Bursar, a Matron, and such other officers, instructors, attendants and servants as he may deem necessary, who shall hold office during pleasure, and shall perform such duties as may be assigned to them under the regulations respecting the hospital and in accordance with the directions of the Inspector. 6 Edw. VII. c. 60, s. 4.
6. The Inspector shall make regulations for Inspector to make rules and regulations respecting management.
 - (a) the management, discipline, and general administration of the said hospital;
 - (b) prescribing the duties of the Superintendent, Respecting duties of officers. Bursar, Matron, and such other officers, instructors, attendants or servants as are employed in or about the hospital;

Inspector to make rules and regulations for fixing and determining admissions, etc.

- (c) determining the terms and conditions of admission to the hospital of persons certified in the manner provided for by the next following section and for their discharge therefrom;

Maintenance of inmates.

- (d) the support and maintenance of such persons; 6 Edw. VII. c. 60, s. 7.

Rules and regulations to be approved of by Lieutenant-Governor in Council.

but such rules or regulations shall not have any effect until approved of by the Lieutenant-Governor in Council. 6 Edw. VII. c. 60, ss. 5 and 7.

No admission without certificate of medical practitioner.

7. No person shall be received into the hospital without a certificate from a legally qualified medical practitioner, that after a proper examination of him and due enquiry into all the facts relating to his case, he is found to be a sane epileptic. 6. Edw. VII. c. 60, s. 6.

CHAPTER 298.

An Act respecting Sanatoria for Consumptives.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Sanatoria for Consumptives Act*. 3-4 Geo. V. c. 86, s. 1.

2. In this Act,

Interpretation

“Board” shall mean the corporation mentioned in sub-section 1 of section 10. 3-4 Geo. V. c. 86, s. 2.

3. Subject to the provisions of this Act, the corporation of any municipality or the corporation of any two or more municipalities may establish a sanatorium for the treatment of consumptives, and may for that purpose acquire land or interests therein and erect and equip buildings and other improvements thereon, and do such other things as may be necessary to complete, maintain and operate such sanatorium and carry out the objects and requirements of this Act. 3-4 Geo. V. c. 86, s. 3.

4. The corporation of any municipality may procure or join another or others in procuring plans of buildings and improvements for a sanatorium and estimates of the cost, including that of the proposed site, and such other information as may seem desirable, and the corporations of any two or more municipalities may confer by such representatives as their councils may appoint, with a view to agreeing upon a basis for establishing a joint sanatorium, and may enter into a provisional agreement respecting the same. 3-4 Geo. V. c. 86, s. 4.

5. If the corporation of one municipality only is establishing the sanatorium, a provisional by-law respecting the same shall be passed. 3-4 Geo. V. c. 86, s. 5.

6.—(1) The plans and estimates, and the provisional by-law or provisional agreement, as the case may be, and the proposed site, which may be anywhere within Ontario, shall be submitted to the Provincial Secretary who shall refer the same to the Provincial Board of Health for report.

(2) Upon receiving the report the Provincial Secretary may approve of the plans, estimates, provisional by-law or

agreement, as the case may be, and the site, subject to such modifications and alterations, if any, as he may think best.

Where site not
in either muni-
cipality.

(3) If the proposed site is not within the municipality or one of the municipalities, the Provincial Secretary shall, before approving of the site, transmit by post to the head of the municipality in which it is situate, notice of the application. 3-4 Geo. V. c. 86, s. 6.

By-laws for
raising neces-
sary funds.

7. Upon the approval of the Provincial Secretary being given, the council of the municipality, or of each of the municipalities concerned, as the case may be, may pass by-laws for raising the money proposed to be paid or contributed by the corporation of such municipality in respect of the original cost of the sanatorium or the cost of extensions, alterations and additions, and may issue debentures therefor. 3-4 Geo. V. c. 86, s. 7.

By-laws for
establishment
of sanatoria.

8.—(1) Upon the by-law or by-laws being passed, the corporation or corporations concerned may pass by-laws to establish the sanatorium or to enter into the agreement to establish a joint sanatorium, as the case may be, in accordance with the approval given by the Provincial Secretary.

Approval of
extensions,
etc., by
Provincial
Secretary.

(2) Upon by-laws being passed for raising the money proposed to be paid or contributed in respect of the cost of extensions, alterations and additions, the approval by the Provincial Secretary of the plans thereof shall be obtained in the same way as provided by section 6, and upon such approval being given, the extensions, additions and alterations may be proceeded with by the corporation or corporations concerned. 3-4 Geo. V. c. 86, s. 8.

Board of
trustees.

9.—(1) The by-law or agreement establishing a sanatorium or a joint sanatorium shall provide for the appointment of a Board of not less than five trustees to take charge of and manage the same.

Qualification.

(2) The qualifications and term of office, which shall not exceed five years, and the quorum of the trustees, and the manner of appointing their successors and of filling vacancies, shall be provided for in the by-law or agreement; and the trustees shall hold office until their successors are appointed.

Proportion
of yearly
cost.

(3) The agreement for a joint sanatorium shall state the proportion of the yearly cost of maintenance, operation and repairs to be borne by the corporation of each municipality.

Terms of
admission.

(4) The by-law or agreement may also define the terms and conditions on which patients may be admitted into the sanatorium, and contain such other particulars as may be deemed proper. 3-4 Geo. V. c. 86, s. 9.

10.—(1) The trustees and their successors shall be a corporation under the name of "The Trustees of (*naming the sanatorium*)."
Name of Corporation.

(2) In addition to the powers and duties conferred by this Act, the trustees shall have such powers and duties, not inconsistent with this Act, as may be conferred or imposed upon them by the by-law or agreement, or by any future by-law or agreement passed or entered into by or with the municipal corporation or corporations with the approval of the Provincial Secretary. 3-4 Geo. V. c. 86, s. 10.
Powers and duties.

11.—(1) The trustees shall elect yearly one of their number to be chairman of the board, to hold office for one year and thereafter until his successor as chairman is elected; and a vice-chairman may also be similarly elected.
Chairman and vice-chairman.

(2) The Board shall appoint a secretary. 3-4 Geo. V. c. 86, s. 11.
Secretary.

12.—(1) The property acquired for the sanatorium shall be conveyed to and vested in the Board for the uses and purposes thereof.
Property vested in Board for the uses and purposes thereof.

(2) The Board may, without the consent of the owner thereof or any person interested therein, enter upon take, use and expropriate all such land as the Board may deem necessary for the purposes of the sanatorium, making due compensation therefor to the owner or occupier thereof, and all persons having any interest therein.
Power to expropriate land for sanatorium.

(3) If such land is required for the purpose of enlarging or otherwise improving an existing sanatorium, the powers conferred by subsection 2 shall not be exercised unless the Inspector of Prisons and Public Charities reports that it is necessary for the purpose of the sanatorium and approves of the plans and improvements for which the land is required, and his report is approved by the Lieutenant-Governor in Council.
When approval of Lieut.-Governor in Council is required.

(4) The provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor, and as to the manner of determining and paying the compensation, shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred by subsection 2; and when any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the secretary of the Board or at his office, as the case may be. 3-4 Geo. V. c. 86, s. 12.
Application of Municipal Act. Rev. Stat. c. 192.

13. The Board shall, subject to the terms of the by-laws or agreements relating thereto, and to regulations made by the Lieutenant-Governor in Council, have the control and management of the erection of the buildings and improve-
Property, etc. to be under control of trustees.

ments and of the operation and maintenance of the sanatorium and of all matters and things connected therewith or relating thereto, and may make rules respecting the same, not inconsistent with the terms of the said by-laws or agreements or of this Act, or with the regulations of the Lieutenant-Governor in Council. 3-4 Geo. V. c. 86, s. 13.

Regulations
by Lieutenant-
Governor in
Council.

14. The Lieutenant-Governor in Council may make regulations respecting the inspection and management of the sanatorium; and such regulations shall take effect and be complied with, notwithstanding the terms of any regulation of the board, which, so far as inconsistent with those made by the Lieutenant-Governor in Council, shall be inoperative. 3-4 Geo. V. c. 86, s. 14.

Provincial aid
towards
establishment.

15. The Lieutenant-Governor in Council may, out of the Consolidated Revenue Fund, grant to the Board a sum equal to one-fifth of the value, as reported by the Inspector of Prisons and Public Charities, of the site, buildings, improvements and equipment, extensions, additions and alterations, not exceeding with respect to any one sanatorium \$4,000 in all. 3-4 Geo. V. c. 86, s. 15.

Provincial
aid towards
maintenance.

16.—(1) The Lieutenant-Governor in Council may, out of any money appropriated by this Legislature for the purpose, pay to the Board, towards the maintenance and treatment of patients, for each patient for whose maintenance not more than 70 cents per day is contributed and who was prior to admission a resident of Ontario, a sum at the rate of \$3 per week for each patient.

Municipal
aid.

(2) The treasurer of any municipality, which has not established, or which is not a party to an agreement under which a joint sanatorium is established, by which patients admitted from such municipality to a sanatorium are to be maintained, shall out of the money of the corporation pay to the Board such sum, not exceeding seventy cents per day, as may be required by the trustees for the maintenance and treatment of each indigent patient who was resident in the municipality at the time of admission. 3-4 Geo. V. c. 86, s. 16.

Provision for
residue of
yearly
maintenance.

17.—(1) The corporation or corporations establishing a sanatorium or joint sanatorium shall, with the yearly rates and in the proportions provided for in the agreement, levy the money required to meet the residue of the cost of the maintenance, operation and repair of the sanatorium for the year and pay over the same to the Board.

In accordance
with by-law,
etc.

(2) Nothing in this section shall authorize the Board to incur any liability or make any expenditure not authorized by the by-law or agreement establishing the sanatorium, or by by-law or resolution of the councils of the municipalities concerned. 3-4 Geo. V. c. 86, s. 17.

18. Nothing in this Act shall prevent a municipal corporation which has established a sanatorium from closing the same at any time, either temporarily or permanently. <sup>Closing.
Sanatorium.</sup>
3-4 Geo. V. c. 86, s. 18.

19. If a sanatorium is closed for nine consecutive months, the Lieutenant-Governor in Council may make provision for the sale or other disposition of the sanatorium and the property thereof and for the application of the proceeds, and may make such other provisions relating thereto as he may deem proper. <sup>Disposal of
same.</sup>
3-4 Geo. V. c. 86, s. 19.

20. The property acquired for a sanatorium and vested in the board shall be exempt from all municipal or other taxation, including school rates or taxes. <sup>Exemption
from
taxation.</sup>
3-4 Geo. V. c. 86, s. 20.

21. The Board may accept from any person a donation of property, whether by will or otherwise, for the use of the sanatorium, and may apply the same in accordance with the terms of the donation. <sup>Accepting
donations.</sup>
3-4 Geo. V. c. 86, s. 21.

22.—(1) The corporation of any municipality or the corporations of any two or more municipalities may agree with any association duly incorporated for the establishment and maintenance by such association of a sanatorium for the treatment of consumptives and for contributing towards the cost and maintenance of any sanatorium heretofore established, or which may be hereafter established and of any extensions, alterations or additions thereto; and the councils thereof shall have similar powers to those conferred by this Act for procuring plans, estimates and other information and the basis for establishing any sanatorium and as to the location thereof, within or without the municipality, and may from time to time pass by-laws for raising the money, if any, proposed to be paid or contributed by the municipality in respect of the sanatorium and for the issue of debentures therefor. <sup>Agreement
with an
association for
treatment of
consumptives,
etc.</sup>

(2) The plans, estimates, and agreement and proposed site shall be submitted for the approval of the Provincial Secretary in a manner similar to that provided by sections 6 and 8, and upon such approval being given the agreement may be acted upon. <sup>Plans and
estimates.</sup>

(3) The parties to such agreement may make such changes in or modifications thereof, as may be required by the Provincial Secretary as a condition of his approval. ^{Modifications.}

(4) Sections 14, 15, 16 and 20 shall apply to a sanatorium established under this section and to the trustees of an association and to any sanatorium heretofore established or which may hereafter be established by such association. <sup>Application
of ss. 14,
15, 16 and
20.</sup>
3-4 Geo. V. c. 86, s. 22.

Application
of Rev. Stat.
c. 300.

23. Sections 9, 10, 11, 12, 13, 16, 23, and 25 of the *Hospitals and Charitable Institutions Act* shall also apply to any sanatorium for consumptives. 3-4 Geo. V. c. 86, s. 23.

Limitation
of charge
for indigent
patient.

24. No sanatorium shall charge against a municipal corporation for the maintenance of an indigent patient a higher rate than seventy cents per day. 3-4 Geo. V. c. 86, s. 24.

CHAPTER 299.

An Act respecting The Toronto General Hospital.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Toronto General Hospital* Short title.
Act. 3-4 Geo. V. c. 84, s. 1.

INTERPRETATION.

2. In this Act,

Interpre-
tation.

- (a) "Board" shall mean the Trustees of the Toronto "Board."
General Hospital;
- (b) "Hospital" shall mean the Toronto General Hos- "Hospital"
pital;
- (c) "Subscribers" shall mean benefactors and annual "Subscrib-
subscribers as defined by this Act. 3-4 Geo. V. ers."
c. 84, s. 2.

GOVERNMENT OF HOSPITAL.

3. The Toronto General Hospital and the property, Election and
revenues, business and affairs thereof shall continue to be appointment
under the government, management, conduct and control of of trustees,
a Board of twenty-five trustees, of whom eight shall be ap-
pointed by the Lieutenant-Governor in Council, five by the
Governors of the University of Toronto, and five by the
municipal council of the Corporation of the City of Toronto,
and seven shall be elected by the subscribers, and the trust-
ees shall continue to be a body corporate by the name of
"The Trustees of the Toronto General Hospital." 3-4 Geo.
V. c. 84, s. 3.

4. The members of the Board now in office shall hold office Present
for the remainder of the respective terms for which they were members.
appointed or elected and until their successors are chosen.
3-4 Geo. V. c. 84, s. 4.

5.—(1) The trustees hereafter appointed by the Corpor- Term of
ation of the City of Toronto shall hold office for one year office.
and until their successors are appointed.

Idem.

(2) The trustees hereafter appointed by the Lieutenant-Governor in Council and by the Governors of the University of Toronto and those elected by the subscribers shall hold office for three years and until their successors are chosen. 3-4 Geo. V. c. 84, s. 5.

Time of appointment or election.

6. All trustees shall be appointed or elected in the month of January in each year in the place of those whose term of office expires. 3-4 Geo. V. c. 84, s. 6.

Eligibility for re-appointment or re-election.

7. A trustee whose term of office has expired shall be eligible for reappointment or re-election as the case may be. 3-4 Geo. V. c. 84, s. 7.

Members of staff not eligible as Trustees.

8. A member of the Hospital staff shall not be eligible to be a trustee and if a member of the Board accepts or occupies a position on the Hospital staff or goes to reside out of Ontario, or becomes insane or otherwise incapable of acting as a member, he shall *ipso facto* vacate his office as a member of the Board, and a declaration of the existence of the vacancy entered upon the minutes of the Board shall be conclusive evidence thereof. 3-4 Geo. V. c. 84, s. 8.

Vacancies.

9. Where a vacancy occurs from any cause, it shall be filled by the body possessing power to appoint or elect, and the person appointed or elected to fill the vacancy shall hold office for the remainder of the term of the trustee whose place he is appointed or elected to fill. 3-4 Geo. V. c. 84, s. 9.

Quorum.

10. Five members shall constitute a quorum of the Board. 3-4 Geo. V. c. 84, s. 10.

ELECTION OF TRUSTEES BY SUBSCRIBERS.

Date of election.

11.—(1) A meeting of the subscribers for the election of trustees to fill the places of retiring trustees shall be held annually on the second Tuesday of the month of January.

Casual vacancies.

(2) Elections to fill the vacancies arising from any other cause than the expiration of the term of office shall be held at such times as the Board may by by-law or resolution appoint.

Place of election—Notice.

(3) The meetings shall be held at the Hospital at such hour as the Board by resolution appoints and the secretary of the Board shall for at least ten days prior to the holding of any such meeting give public notice thereof in two newspapers published daily in Toronto.

Conduct of election.

(4) The solicitor of the Board or in his absence a person elected by the meeting shall preside, and the secretary shall act as the secretary of the meeting and shall produce a certified list of the subscribers with a statement of the amount of each subscription, and such list shall be open to public inspection.

(5) The election shall be by ballot taken by two or more scrutineers appointed by the chairman of the meeting and each subscriber shall be entitled to vote in person or by proxy under an instrument of proxy duly executed under his hand given to a subscriber entitled to vote at such election. Mode of election.
Proxies.

(6) An instrument of proxy shall be valid for one year only. Duration of proxy.

(7) In case of an equality of votes between two or more persons which leaves the election of one or more trustees undecided, the scrutineers shall forthwith put into a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate; and the chairman shall draw from the ballot box in the presence of the scrutineers one or more of the papers sufficient to make up the required number of trustees, and the persons whose names are upon the papers so drawn shall be the trustees elected. 3-4 Geo. V. c. 84, s. 11. Determining election by lot in case of tie vote.

POWERS OF TRUSTEES.

12.—(1) Subject to the provisions of this Act, the Board shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys. Powers of Trustees under present Act continued.

(2) The Board shall be capable of receiving and taking from any person or body corporate by grant, gift, devise or otherwise any land or interest in land or any goods, chattels or effects, for the use, support or purposes of the Hospital and without license in mortmain; and all persons and bodies corporate shall have full and unrestricted right and power to give, grant, devise and bequeath to the Board any land or interest in land or any goods, chattels or effects. Taking and holding lands without license in mortmain.

(3) No real property or interest therein vested in the Board and used for hospital purposes shall be liable to be entered upon, used or taken by any municipal or other corporation, or by any person possessing the right of taking land compulsorily for any purpose whatsoever; and no power to expropriate real property hereafter conferred on such corporation or person shall extend to such real property or interest unless in the Act conferring the power it is made in express terms to apply to such real property. 3-4 Geo. V. c. 84, s. 12. Exemption from expropriation.

13. The building and land of and attached to or otherwise *bona fide* used in connection with and for the purposes of the Hospital, so long as such buildings and land are actually used and occupied for the purposes of the Hospital, and the personal property of the Board shall be exempt from all taxation, including school rates or taxes. 3-4 Geo. V. c. 84, s. 13. Exemption from taxation.

Limitation
of actions.

14. All the rights and privileges belonging to or enjoyed by the Crown in respect of its land under any statute limiting the time for bringing actions either by the Crown or against the Crown shall belong to and be enjoyed by the Board in respect of land vested in the Board. 3-4 Geo. V. c. 84, s. 14.

Power to
dispose of
site on
Gerrard
Street and
other lands.

15. —(1) The Board may sell, dispose of or mortgage any land vested in it, including the block of land which on the 6th day of May, 1913, was occupied by the hospital, bounded by Gerrard, Sumach, Spruce and Sackville streets, upon such terms as to payment of purchase money as may seem best, or may lease the same for any period not exceeding twenty-one years with the right of renewal for periods not exceeding twenty-one years in perpetuity, and subject to such covenants, conditions, agreements, stipulations and provisos as may seem best; but land vested in the Board which is charged with debentures shall remain subject to such charge until the same are paid, unless sold with the consent of the holders of the debentures.

But not
on College
Street.

(2) Nothing in subsection 1 shall authorize the Board to sell the hospital which, on the 6th day of May, 1913, it was erecting on College Street or the land used in connection with it, but this restriction shall not prevent the Board from mortgaging such hospital and land nor shall it interfere with any of the remedies by way of sale or otherwise of the mortgagees. 3-4 Geo. V. c. 84, s. 15.

Power to
take lands
for Hospital.

16.—(1) The Board may without the consent of the owner thereof or any person interested therein enter upon, take, use and expropriate all such land as it deems necessary for the purposes of the hospital, making due compensation therefor to the owners and occupants thereof and all persons having any interest therein; and may pass by-laws for that purpose.

Application
of provisions
of
Rev. Stat.
c. 192.

(2) The provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation, shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred; and where any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the secretary of the Board, or at his office, as the case may be.

Registration
of by-laws.

(3) The Board may register any by-law passed for the purposes of subsection 1 by depositing in the proper registry office or land titles office a copy of such by-law certified under the hands of the chairman and the secretary of the Board and authenticated by its seal and the registration of the by-law shall vest the real property therein described in the Board. 3-4 Geo. V. c. 84, s. 16.

17.—(1) The Board may from time to time, with the approval of the Lieutenant-Governor in Council, borrow for the purposes of the Hospital such sums as may be required for the purposes of the Hospital, and may issue debentures therefor in such sums, at such rate of interest and for such periods as it may deem expedient.

Borrowing powers of Board.

(2) No such debenture shall be issued for a longer period than forty years, and the interest shall be payable yearly, half yearly or quarterly.

Currency of debentures.

(3) Such debentures may be secured by a mortgage trustees for the debenture holders upon any land vested in the Board. 3-4 Geo. V. c. 84, s. 17.

(1) Mortgage to secure debentures.

18. The Board may invest, in such securities as may be deemed advisable, all money which may at any time come into its hands for the use and support of the Hospital, or may deposit the same in any chartered bank or financial institution of good standing. 3-4 Geo. V. c. 84, s. 18.

Powers as to investments.

NEW HOSPITAL BUILDINGS.

19.—(1) Without thereby limiting the general powers hereinbefore conferred, the Board may erect, equip and maintain all buildings required for the purposes of the Hospital upon such sites as the Board may deem proper.

Erection of buildings, etc., for Hospital.

(2) In the event of the Board abandoning the hospital site mentioned in section 15, it shall be the duty of the Board in erecting new hospital buildings upon another site to erect upon a portion of such site a building suitable in every respect for the purposes of a lying-in hospital, and maintain and support the same in connection with the hospital as part of it upon the terms and conditions set forth in the resolutions of The Burnside Lying-in Hospital and the Hospital authorizing the merger of The Burnside Lying-in Hospital in the Hospital; and such building shall be called "The Burnside Lying-in Hospital."

Burnside Lying-in Hospital

(3) The Board shall provide in connection with the hospital which, on the 6th day of May, 1913, it was erecting on College Street a building which shall be set aside as an eye and ear infirmary and shall be called "The Andrew Mercer Eye and Ear Infirmary."

"Andrew Mercer Eye and Ear Infirmary."

(4) A section or wing of the hospital building shall be deemed to be a building within the meaning of subsections 2 and 3. 3-4 Geo. V. c. 84, s. 19.

Nature of buildings.

EXECUTION OF DOCUMENTS.

20.—(1) All grants, conveyances, assignments, mortgages, statutory and other discharges of mortgage, leases, contracts, distress warrants and other documents requiring to be executed.

Execution of documents by corporation.

cuted under seal shall be sealed with the corporate seal of the Board and shall be signed by the chairman or some person thereto authorized by resolution of the Board, and countersigned by the secretary or some person thereto authorized by resolution of the Board.

Negotiable
instruments.

(2) All cheques, promissory notes and drafts shall be signed by the chairman or some person thereto authorized by resolution of the Board, and countersigned by the secretary or some person thereto authorized by resolution of the Board. 3-4 Geo. V. c. 84, s. 20.

BY-LAWS.

Appointment
and removal
of officers
and staff.

21.—(1) The Board shall appoint and may remove a secretary, a treasurer, the medical and other superintendents and their assistants and clerks, and all other officers and servants of the Board, and may enact by-laws and regulations for the management of the Hospital and the trust, and for fixing all salaries and wages, and, subject to section 27, for regulating the composition of the hospital staffs, their numbers, terms of office, privileges and duties.

By-laws and
regulations.

(2) Such by-laws or regulations shall be laid before the Lieutenant-Governor in Council within thirty days after the same have been enacted, and shall not come into force until approved by him. 3-4 Geo. V. c. 84, s. 21.

BENEFACTORS, VISITORS AND ANNUAL SUBSCRIBERS.

"Benefac-
tors."

22.—(1) Every person who before the 14th day of May, 1906, has subscribed \$500 or upwards to the fund of the Hospital, and every person who has since subscribed or may hereafter subscribe \$1,000 or upwards shall be a "Benefactor" of the Hospital, and the Board shall erect a tablet in the principal entrance hall of the Hospital upon which shall be inscribed the names of the Benefactors and the amounts subscribed by them respectively.

Visitors.

(2) The Benefactors shall be Visitors of the Hospital. 3-4 Geo. V. c. 84, s. 22.

Who be
deemed
"annual
subscriber."

23. Every person who shall have subscribed \$100 or upwards to the fund of the Hospital in the year immediately preceding an election of subscribers' trustees at which he desires to vote shall be an "Annual Subscriber." 3-4 Geo. V. c. 84, s. 23.

MEDICAL STUDENTS.

Right of
medical
students to
attend
Hospital.

24.—(1) The Board shall allow any medical student of the University of Toronto to visit the wards of the Hospital and attend them for the purpose of receiving instruction from the members of the Faculty of Medicine of the University

upon the payment of such fees and under such regulations and restrictions as the Board by by-law or resolution appoints.

(2) The Lieutenant-Governor in Council may from time Regulations. to time make regulations and prescribe conditions under which the Board shall admit other students in medicine, including post-graduate students, to receive medical instruction from such Faculty as provided by subsection 1. 3-4 Geo. V. c. 84, s. 24.

PAYING PATIENTS.

25.—(1) The Board shall allow every patient paying sufficient to cover all the cost to the Board of his maintenance Right of paying patients to attendance of their own physician and support while in the Hospital to employ his own surgeon or physician, subject to the regulations of the Board.

(2) The words "paying their way," where they occur in the 7th section of By-law No. 4579 of the City of Toronto, shall mean "paying sufficient to cover all the cost to the Board of their maintenance and support while in the Hospital." 3-4 Geo. V. c. 84, s. 25. "Paying their way."

CITY PATIENTS.

26. The Board shall afford accommodation as far as possible to patients sent into the Hospital on the order of the Corporation of the City of Toronto, upon payment to the Board of such rates as may from time to time be agreed upon, and subject to such regulations and restrictions as the Board may by by-law or resolution appoint. 3-4 Geo. V. c. 84, s. 26. Patients sent from City of Toronto.

THE HOSPITAL STAFF.

27. The composition and number of the Hospital staff, and the terms of office, the duties and the privileges of the members thereof shall be regulated by and be in accordance with the agreement between the Governors of the University of Toronto and the Board and the by-law of the Board set out in Schedule 1 to the Act passed in the first year of His Majesty's reign, Chapter 80, intituled *An Act respecting the* 1 Geo. V. c. 80. *Toronto General Hospital.* 3-4 Geo. V. c. 84, s. 27. Hospital staff.

STATEMENTS TO GOVERNMENT.

28. In addition to the returns required by any other Act, Retarus. the Board, when required so to do by the Lieutenant-Governor in Council, shall render an account in detail of all money received by it, specifying the sources from which the same arose or was received and the manner in which the same is invested or was expended and all such particulars as may be necessary to show the state of the fund and endowment of the Hospital. 3-4 Geo. V. c. 84, s. 28.

CHAPTER 300.

An Act relating to Hospitals and Charitable Institutions.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Hospitals and Charitable Institutions Act*. 2 Geo. V. c. 85, s. 1.

PART I.

PUBLIC HOSPITALS AND CHARITABLE INSTITUTIONS.

Mode of distributing aid under Act.

2. All money appropriated by this Legislature for the purposes of this Act shall be distributed as follows—

- (a) For every Public Hospital, a per diem rate fixed from time to time by the Lieutenant-Governor in Council upon the basis of the number of days' actual treatment and stay of each patient admitted to or being within the hospital during the calendar year next preceding the year for which such aid is given;
- (b) For every refuge on the list of such institutions entitled to receive aid, 7 cents for each day's actual maintenance therein of any indigent person during the calendar year preceding that for which the aid is given;
- (c) For every orphanage or infants' home on the list of such institutions entitled to receive aid, 2 cents for each day's actual maintenance therein of any orphan or neglected or abandoned child during the calendar year next preceding that for which aid is given, and in the case of an infant under one year of age while being nursed by its mother at such orphanage or infants' home, 7 cents per day for each day's maintenance;
- (d) For every such orphanage or infants' home, 7 cents per day for each day's actual maintenance of any adult, friendless and indigent female cared for therein during the calendar year next preceding that for which aid is given. 2 Geo. V. c. 85, s. 2.

3. Every grant made under the authority of the next preceding section shall be conditional upon compliance with the requirements of this Act and of all regulations made thereunder by the Lieutenant-Governor in Council and shall be subject to the restrictions hereinafter contained. 2 Geo. V. c. 85, s. 3. Conditions to be complied with.

4. Where the receipts of any hospital, refuge, orphanage or infants' home are equal to or exceed, without reckoning any aid received under this Act, the expenditure for maintenance of patients or inmates no aid shall be granted to such institution under this Act unless the Lieutenant-Governor in Council otherwise directs. 2 Geo. V. c. 85, s. 4. No aid to be granted when receipts exceed cost of maintenance.

5. The aid granted to any hospital or refuge under this Act, except in unorganized districts, unless the Lieutenant-Governor in Council otherwise directs, shall not for any year exceed the amount of the municipal grant for its maintenance during that year. 2 Geo. V. c. 85, s. 5. Limit of annual grant.

6.—(1) No hospital shall be entitled to receive aid in respect of paying patients admitted to or being within it. Paying patients.

(2) Every person admitted to or being within any such hospital who pays, or for whom there is paid, to such hospital from any source, other than the public funds or money of the Province or of a municipal corporation, a weekly sum in excess of \$7 shall be deemed a paying patient. Who may be deemed paying patients.

(3) No aid shall be paid to any hospital which is hereafter established in any municipality in which a hospital already exists and is in operation unless such additional hospital is established with the approval of the Lieutenant-Governor in Council. Where hospital previously established.

(4) Subsections 1 and 2 shall not apply to a hospital which has not received aid for a period of ten years. 2 Geo. V. c. 85, s. 6. Application of subsections 1 and 2.

7. In calculating the amount of the aid the day of departure of any patient or person shall not be included. 2 Geo. V. c. 85, s. 7. How amount to be calculated.

8.—(1) The Lieutenant-Governor in Council may limit the number of days' stay of different classes of patients or inmates for which aid may be given. Limiting stay in institutions.

(2) Every Order in Council made under the authority of this section shall be laid before the Assembly as soon as conveniently may be. 2 Geo. V. c. 85, s. 8. Laying before Assembly.

9. The Treasurer of Ontario, with the authority of the Lieutenant-Governor in Council, may, from any money appropriated for that purpose, pay at such times in every year as the Lieutenant-Governor in Council deems fit to any Treasurer of Province to pay over amounts.

institution entitled to receive aid under this Act the sums to which it is entitled. 2 Geo. V. c. 85, s. 9.

Returns.

10. The Lieutenant-Governor in Council may fix and direct the particulars to be contained in, and the form, manner and time of making and mode of verification of such returns as may seem proper for the due carrying out of the provisions of this Act. 2 Geo. V. c. 85, s. 10.

Penalty in case of false return.

11. Any person who knowingly makes, or is a party to the making or procuring to be made, directly or indirectly, of any false return shall incur a penalty of \$1,000 which may be recovered with costs by action at the suit of the Crown only. 2 Geo. V. c. 85, s. 11.

Inspector.

12. One of the Inspectors of Prisons and Public Charities, designated for that purpose by the Lieutenant-Governor in Council, shall be the Inspector of the institutions receiving aid under this Act. 2 Geo. V. c. 85, s. 12.

Duties of Inspector.

13. The Inspector shall from time to time visit and inspect every such institution and shall make all proper inquiries as to the maintenance, management and affairs thereof; and by examination of the registers and such other means as he may deem necessary verify any return which has been made and shall report thereon to the Lieutenant-Governor in Council. 2 Geo. V. c. 85, s. 13.

Designation of institutions to receive aid.

14.—(1) The Lieutenant-Governor in Council may designate the hospitals, refuges, orphanages and infants' homes to which aid may be granted; but no institution shall be so designated unless the Inspector reports that it has all the proper requirements for one of its nature and objects and that it ought to be aided under this Act.

Submission and operation of Order in Council.

(2) The Order in Council shall be laid before the Assembly as soon as conveniently may be and shall not be operative unless and until it has been ratified by the Assembly. 2 Geo. V. c. 85, s. 14.

Discontinuance of aid.

15. The Lieutenant-Governor in Council may, upon the report of the Inspector that any hospital, refuge, orphanage or infants' home is insufficient or without the necessary and proper accommodation or requirements for one of its nature and objects, direct that any institution receiving aid shall not thereafter receive aid, and thereupon, and whilst the order in terms remains unrevoked, such institution shall not be entitled to or receive further aid, but upon the report of the Inspector he may revoke the order and may also if he sees fit direct that the institution shall receive aid for the period or any part of the period during which the first named Order in Council was in force. 2 Geo. V. c. 85, s. 15.

Resumption of aid.

16. No by-laws or regulations of the trustees or other governing body having the control or management of any hospital, refuge, orphanage or infants' home receiving aid for the government and management of such institution, or for prescribing the method and terms of admission thereto, or defining and regulating the duties and powers of the officers and servants thereof, or the salaries of such officers and servants, shall have force or effect unless and until approved by the Lieutenant-Governor in Council upon the report of the Inspector. 2 Geo. V. c. 85, s. 16.

17.—(1) Every hospital receiving aid under this Act shall provide reasonable facilities for giving, by such of its staff as may be designated Professors and members of the teaching staff of the Medical Faculty of any University situate in or near to the place in which the hospital is situate, clinical instruction in the public wards thereof to the medical students of such University, and if the authorities of the hospital and of the University are unable to agree as to the nature and extent of the facilities to be granted, or the regulations under which they are to be made use of, the same shall be determined by the Lieutenant-Governor in Council.

(2) Nothing in this section shall prejudice or interfere with any agreement existing between any university and any hospital. 2 Geo. V. c. 85, s. 17.

18. Training Schools for Nurses may be conducted at hospitals receiving aid under this Act, and when such regulations in relation thereto as may be prescribed by the Lieutenant-Governor in Council have been observed graduate nurses of such Training Schools may be entitled to registration in a Register kept for that purpose under the direction of the Provincial Secretary, and a person so registered may be designated a registered nurse. 2 Geo. V. c. 85, s. 18.

19. No hospital receiving aid shall refuse to admit and care for a patient having tubercular disease. 2 Geo. V. c. 85, s. 19.

20. No hospital receiving aid shall refuse to admit and care for any sick person brought to it while suffering from any disease other than a communicable disease, notice of which is by *The Public Health Act* or by the regulations thereunder required to be placarded. 2 Geo. V. c. 85, s. 20.

21. If a contravention of either of the next preceding two sections is reported to the Inspector, and if on investigation the report is found to be correct, the aid may be withdrawn in the manner provided by section 15, and shall not be restored except in the manner provided by that section. 2 Geo. V. c. 85, s. 21.

Right to
take lands.

22.—(1) The trustees or other governing body of any hospital receiving aid may expropriate any land adjacent to the hospital for the purpose of enlarging it.

Conditions of
exercising
right.

(2) The power conferred by subsection 1 shall not be exercised unless the Inspector reports that it is necessary for the purposes of the hospital and approves of the plans of additions and improvements for which the land is required and his report is approved by the Lieutenant-Governor in Council.

Application of
Rev. Stat.
c. 192.

(3) The provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor and as to the manner of determining and paying the compensation shall *mutatis mutandis* apply to the trustees or other governing body and to the exercise by them of the powers conferred by subsection 1 and where any act is by any of such provisions required to be done by the clerk of a municipality or at the office of such clerk, the like act shall be done by the superintendent of the hospital, or at his office as the case may be. 2 Geo. V. c. 85, s. 22.

Burial
expenses.

23.—(1) The corporation of the municipality in which an indigent person admitted to a hospital receiving aid under this Act is at the time of his admission resident shall be liable to pay to the governing body of the hospital the charges for his treatment, and, in the case of his death his burial expenses, not exceeding \$15.

Municipal
grants to
hospitals
under agree-
ment, as to
indigent
patients.

(2) A municipal corporation may agree with the trustees or other governing body of the hospital to pay a fixed annual grant in lieu of its liability for the maintenance of the indigent patients admitted to such hospital from the municipality.

When no
agreement.

(3) Where there is no such agreement, and an indigent person is admitted as a patient to any hospital receiving aid under this Act, the superintendent of such hospital shall by registered post notify the clerk of the municipality of which such patient represents himself as being a resident that he has been admitted to the hospital, giving such particulars as may be ascertainable to enable the clerk to identify the patient.

Residence
admitted.

(4) Unless the clerk within fourteen days after the mailing of such notice notifies the superintendent of the hospital by registered post that such patient is not a resident of that municipality, he shall be deemed to be a resident of it.

Recovery
of charge
from municip-
ality.

(5) Upon the discharge or death of a patient who was or under subsection 3 is deemed to have been a resident of the municipality at the time of his admission, the superintendent of the hospital shall give notice thereof by registered post to the clerk of the municipality, and shall furnish a statement of the claim of the hospital in respect of such

patient, and the corporation of the municipality shall be liable for and shall pay the amount of such claim.

(6) Where a patient is admitted to a hospital from territory without municipal organization, in which he was employed immediately prior to his admission to the hospital, the superintendent shall notify his employer in the same manner as provided for in subsection 3, and such employer shall be liable for the maintenance of the patient. Patients from un-organized townships

(7) Every employer of labour having more than ten persons in his employ and having a contract for the medical and surgical care of his employees shall be liable for the maintenance of such employee in any Public Hospital; but not at a higher rate than the actual cost per day for maintenance at such hospital. 2 Geo. V. c. 85, s. 23. Liability of employers for maintenance.

24. No hospital shall charge against a municipal corporation for the maintenance of an indigent patient a higher rate than \$1 per day. 2 Geo. V. c. 85, s. 24. Limitation of charge for indigent patient.

25. Upon payment by a municipal corporation of the charges of a hospital for the treatment or burial of a patient such patient or his executors or administrators shall be liable for the amount so paid as for a debt due to such municipal corporation. 2 Geo. V. c. 85, s. 25. Liability of patient or his estate to municipality.

PART II.

PRIVATE HOSPITALS.

26. In this Part,

Interpretation.

(a) "House" shall include any building, tent or other structure, whether permanent or temporary, intended for human habitation; and where there are two or more such structures in the occupation of the same person and situate on the same piece of land they shall be deemed to constitute a single house within the meaning of this Act; "House."

(b) "Maternity hospital" shall mean a private hospital for the reception and care of patients in or in respect of child birth; "Maternity hospital."

(c) "Medical and surgical hospital" shall mean a private hospital for the reception of any class of patients other than those last mentioned; "Medical and surgical hospital."

(d) "Patient" shall mean a person received and lodged in a private hospital; "Patient."

(e) "Private hospital" shall mean a house in which two or more patients are received and lodged at the same time other than "Private hospital."

- (i) An institution to which Part I applies,
- (ii) A hospital or other establishment wholly or mainly supported by Provincial aid,
- (iii) An institution in respect of which a license under *The Private Sanitarium Act* is in force, or
- (iv) An institution for the reclamation and cure of habitual drunkards established under *The Municipal Act*. 2 Geo. V. c. 85, s. 26.

Rev. Stat.
c. 296.

Rev. Stat.
c. 192.

License for
hospital.

27.—(1) No house shall be used as a private hospital except under the authority of a license issued by the Provincial Secretary under this Act.

Penalty.

(2) If any house is used as a private hospital in breach of this section the occupier and all persons concerned in the management of the hospital shall severally incur a penalty not exceeding \$25 for every day during which such use is continued. 2 Geo. V. c. 85, s. 27.

Application
for license.

28.—(1) Every application for a license to keep a private hospital shall be made in writing to the Provincial Secretary and shall contain the following particulars:—

- (a) The full name, place of abode and occupation of the applicant;
- (b) A statement of the estate or interest of the applicant in the house in respect of which the license is desired;
- (c) A statement of the number of patients proposed to be received in the hospital and in each room or apartment of the hospital;
- (d) A description of the situation of the hospital;
- (e) A plan of the hospital on a scale of not less than an eighth of an inch to the foot;
- (f) A statement of the length, breadth and height of every room and apartment in the hospital including operating and subsidiary rooms;
- (g) A statement of the rooms or apartments to be used exclusively by patients, and of those to be used exclusively by the licensee or the superintendent of the hospital or by persons other than patients;
- (h) A statement of the sanitary arrangements, ventilation, heating and water supply of the hospital;
- (i) A full description of the fire escapes of the hospital and the facilities provided for use in case of fire;
- (j) A statement as to the classes of patients proposed to be received into the hospital.

(2) Every such application shall be verified by the statutory declaration of the applicant and shall be accompanied by a fee of \$5. 2 Geo. V. c. 85, s. 28.

Verification
of applica-
tion.
Fee.

29.—(1) No license shall be granted unless the house and its location with regard to adjoining dwelling houses are approved by the Inspector as suitable for the purposes indicated in the application, and the Provincial Secretary is satisfied as to the character and fitness of the applicant. 2 Geo. V. c. 85, s. 29; 3-4 Geo. V. c. 87, s. 1, *part*.

Approval

(2) The approval of the Inspector as to the location of the house shall not apply to a house used as a private hospital on the 15th day of April, 1913, so long as it continues to be used for that purpose. 3-4 Geo. V. c. 87, s. 1, *part*.

30.—(1) Every licensed hospital shall according to the tenor of the license issued in respect thereof be either—

Kinds of
licensed
private
hospitals.
Maternity.

(a) A licensed maternity hospital; or

(b) A licensed medical and surgical hospital; or

Medical.

(c) A hospital licensed both as a maternity and as a medical and surgical hospital.

Maternity
and medical.

(2) Every license shall state the maximum number of patients who may be received and lodged in the hospital at any one time.

Number of
patients.

(3) A license may be limited to the reception of any particular class or classes of patients.

Limitation
of patients.

(4) Every license shall continue in force until revoked in accordance with this Act. 2 Geo. V. c. 85, s. 30.

Duration of
license.

31. A licensee shall, in the month of October in each year, pay to the Provincial Secretary a fee of \$5 for the continuance of the license. 2 Geo. V. c. 85, s. 31.

Annual fee.

32. When a license has been issued to two or more persons jointly, and during the currency thereof any of those persons dies leaving the other or others surviving, the license shall remain in force and have the same effect as if granted to the survivor or survivors. 2 Geo. V. c. 85, s. 32.

Continu-
ation of
license
notwith-
standing
death of one
of joint
licensees.

33. On the application in writing signed by the licensee and by any person to whom he desires that his license shall be transferred, the Provincial Secretary may, by indorsement on the license or otherwise in writing, transfer the license to that person, and thereupon that person shall become the licensee of the hospital with the same rights and obligations as if the license had been granted to him. 2 Geo. V. c. 85, s. 33.

Transfer of
license upon
application
of licensee.

Transfer or
revocation
of license
upon death
of licensee.

34.—(1) If the licensee or the sole surviving licensee dies the Provincial Secretary may, by endorsement on the license or otherwise in writing, transfer the license to any person nominated by the executors or administrators of the deceased licensee, and that person shall thereupon become the licensee of the hospital with the same rights and obligations as if the license had been granted to him.

Continuation
of license
until
revoked.

(2) Unless and until the license is revoked under this section or under section 35 the hospital shall continue to be a licensed hospital, and the superintendent and other officers shall be deemed for the purposes of this Act to continue in office in the same manner as if the licensee were still living.

Revocation
under such
circumstances.

(3) If the license is not transferred under the authority of this section within two months after the death of the licensee or of the sole surviving licensee the Provincial Secretary may by writing under his hand revoke the license, and notice of the revocation shall be published in the *Ontario Gazette*. 2 Geo. V. c. 85, s. 34.

Revocation
of license.

35.—(1) A license may at any time be revoked by the Provincial Secretary, if

Default in
payment of
license fee.

(a) The licensee has made default for three months in paying the annual license fee;

Conviction
of offences
against
Act.

(b) The licensee or superintendent has been convicted of an offence against this Act or of any offence punishable by imprisonment, or

Premises
unsanitary.

(c) In the opinion of the Inspector the hospital premises are unsanitary or without proper fire protection, or the hospital is managed or conducted in such a manner that the revocation of the license is required in the public interest.

Notice to
licensee.

(2) Before a license is revoked the Provincial Secretary shall give notice to the licensee or superintendent of the ground on which it is proposed to revoke the license, and shall afford to him an opportunity of showing cause why the license should not be revoked.

Service of
notice.

(3) Any such notice may be given to the licensee or superintendent, either personally or by leaving it at the hospital with an officer or employee thereof, and the revocation shall be effected by writing under the hand of the Provincial Secretary, and notice of the revocation shall be published in the *Ontario Gazette*.

Decision of
Provincial
Secretary
final.

(4) The decision of the Provincial Secretary as to the revocation of a license shall be final and conclusive and shall not be questioned in any Court or in any proceeding. 2 Geo. V. c. 85, s. 35.

36.—(1) No structural alteration of or addition to any licensed hospital shall be made until a plan of the proposed alteration or addition has been given to and approved by the Inspector. Approval by Inspector of structural alterations.

(2) If any alteration or addition is made in breach of this section the licensee shall incur a penalty not exceeding \$100. 2 Geo. V. c. 85, s. 36. Penalty.

37.—(1) For every licensed hospital there shall at all times be a superintendent resident on the premises who may be the licensee himself, if qualified under this section, and shall be either a legally qualified medical practitioner or a trained graduate nurse. Superintendent of licensed hospital.

(2) No person other than a licensee shall be appointed as the superintendent until his name and qualification have been notified to the Inspector and he has approved of the appointment. Inspector's approval.

(3) During the temporary absence, illness or incapacity of the superintendent the licensee may, without notice to the Inspector, appoint as acting superintendent any other person qualified in accordance with this section; and every person so appointed shall, while he so acts, be deemed for the purposes of this Act to be the superintendent, but he shall not so act, whether under the same or successive appointments, for a longer continuous period than four weeks. Acting superintendent.

(4) If at any time a licensed hospital is used as such while there is no duly qualified superintendent, or while the superintendent is not resident on the premises, the licensee shall incur a penalty not exceeding \$25 for every day during which it is so used. Penalty.

(5) The Provincial Secretary may, because of special circumstances and on such terms and conditions as he thinks fit, by warrant under his hand temporarily exempt any licensed hospital from the requirements of subsection 1. Exemption by Provincial Secretary.

(6) Any exemption so granted may be withdrawn by him by notice under his hand and delivered to the licensee of the hospital. 2 Geo. V. c. 85, s. 37. Withdrawal of exemption.

38.—(1) In every licensed hospital there shall be kept a Register of Patients in which shall be entered the following particulars:— Register of patients

(a) The name, age and usual place of abode of every patient, and date of his admission into the hospital; Name, etc., of patients.

(b) The name of the medical practitioner, if any, attending each patient; Name of medical practitioner.

Date of
patient's
departure
or death.

(c) The date at which each patient leaves the hospital or, in the event of the death of a patient in the hospital, the date of his death;

Other
particulars.

(d) Such other particulars as may be prescribed by the Inspector.

Entry of
particulars.

(2) Such particulars shall be entered in the Register as soon as practicable after the occurrence of the act or event to which the entry relates.

Penalties.

(3) Every person who knowingly makes in the Register an untrue entry shall incur a penalty not exceeding \$200.

Idem.

(4) Every licensee who fails to make or cause to be made any entry in the Register required by this Act to be made therein shall incur a penalty not exceeding \$50. 2 Geo. V. c. 85, s. 38.

Inspection
by Inspector.

39. Every licensed hospital and the Registers thereof shall at all times be open to inspection by the Inspector. 2 Geo. V. c. 85, s. 39.

Power of
Inspector
to enter
unlicensed
premises.

40. If the Inspector believes or suspects that any house is used as a private hospital without being licensed he may at any time and from time to time by himself, or by any person authorized by him, enter and inspect such house and every part thereof; and any person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection shall incur a penalty not exceeding \$200. 2 Geo. V. c. 85, s. 40.

Penalty.

Use of
licensed
hospitals.

41.—(1) A licensed hospital shall not be used for any purpose other than the purposes in respect of which the license is granted and purposes reasonably incidental thereto.

Penalty.

(2) If a licensed hospital is used in any manner contrary to the provisions of this section the licensee and superintendent shall severally incur a penalty not exceeding \$25 for every day during which it is so used. 2 Geo. V. c. 85, s. 41.

Reception in
licensed hos-
pital of
more than
authorized
number of
patients.

42. If at any time a licensed hospital is used for the reception of a greater number of patients than is permitted by the license, or for the reception of any patient of a class not authorized by the license, the licensee and the superintendent shall severally incur a penalty not exceeding \$25 for every day during which it is so used. 2 Geo. V. c. 85, s. 42.

Penalty.

Who to be
deemed the
occupier for
certain
purposes.
Rev. Stat.
c. 218.

43.—(1) The Superintendent of a licensed hospital shall be deemed to be the occupier of the house for the purpose of giving notice under *The Public Health Act* of any patient found or suspected to be suffering from any communicable disease.

(2) The superintendent of a licensed hospital shall be ^{Idem} deemed to be the occupier thereof for the purpose of giving notice or information under *The Vital Statistics Act* of the death of any person or of the birth of any child in the hospital. 2 Geo. V. c. 85, s. 43. Rev. Stat. c. 49.

44. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*. 2 Geo. V. c. 85, s. 44. Recovery of Penalties.
Rev. Stat. c. 90.

45.—(1) In any prosecution for an offence against this Part the burden of proving that any person residing in a house and there receiving medical treatment is not a patient within the meaning of this Act shall be upon the person charged. Burden of proof in prosecutions

(2) In any prosecution for an offence against this Part the burden of proving that a license is in force, and of proving its terms, and that any person apparently having the charge, control or management of the hospital is not the superintendent thereof within the meaning of this Act shall be upon the person charged. 2 Geo. V. c. 85, s. 45. Idem.

(C)

CHAPTER 301.

An Act to provide for the Inspection of Provincial and other Hospitals, Charities, Prisons and Court Houses.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Prisons and Public Charities Inspection Act*. 3-4 Geo. V. c. 88, s. 1.

Interpretation.

2. In this Act,

"Inspector."

(a) "Inspector" shall mean an Inspector of Prisons and Public Charities appointed by the Lieutenant-Governor in Council under the authority of this Act;

"Minister."

(b) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;

"Regulations."

(c) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act or any Act for which this Act is substituted. 3-4 Geo. V. c. 88, s. 2.

Regulations and their amendment.

3. The regulations heretofore made for the government of provincial hospitals for the insane, private sanatoria for the treatment of mental diseases, sanatoria for consumptives, public and private hospitals, refuges, orphanages and infants' homes, and the common gaols and reformatories and other prisons, are confirmed and shall continue in force until altered or repealed by regulations made in pursuance of this or any other Act of this Legislature. 3-4 Geo. V. c. 88, s. 3.

Appointment of Inspectors.

4. The Lieutenant-Governor in Council may appoint three persons to be inspectors of the institutions mentioned in section 3, each of whom shall be designated an Inspector of Prisons and Public Charities. 3-4 Geo. V. c. 88, s. 4.

Duties of Inspector.

5. The Lieutenant-Governor in Council may designate what public and other institutions requiring inspection are to be inspected by each Inspector, and may define the duties of the Inspectors. 3-4 Geo. V. c. 88, s. 5.

6.—(1) One of the Inspectors designated by the Lieutenant-Governor in Council shall be a corporation sole by the name of "The Inspector of Prisons and Public Charities," and by that name he and his successors in office shall have perpetual succession and may sue and be sued.

(2) Sections 35 to 46 of *The Hospitals for the Insane Act* shall apply to such Inspector.

"Inspector of Prisons and Public Charities."
Duties and powers.
Rev. Stat. c. 295.
Succession.

(3) In case of the death, removal or resignation of such Inspector all the rights, powers, duties, obligations, money or estates under those sections, or under anything done in pursuance thereof, which are vested in him or belong to him, either by his name of office or in his corporate capacity, at the time of his death, removal or resignation shall thereupon become vested in and shall belong to the Inspector designated or appointed by the Lieutenant-Governor in Council as his successor. 3-4 Geo. V. c. 88, s. 6.

7. Except as in the next preceding section provided, where the Inspector of Prisons and Public Charities is referred to in any Statute by that or any other name the reference shall be held to apply to that one of such Inspectors to whom, under an order of the Lieutenant-Governor in Council, the duty or power to which the reference relates belongs. 3-4 Geo. V. c. 88, s. 7.

References in Statutes to Inspector.

8.—(1) One of the Inspectors shall visit and inspect every gaol, refuge, reformatory and prison or other place in Ontario, kept or used for the confinement of persons, once in each year or more frequently if necessary, or if so directed by the Minister; and the Inspector may examine any person holding any office or receiving any salary or emolument in any such place, and call for and inspect all books and papers relating to it, and may inquire into all matters concerning the same.

Inspectors' duties as to visitation.

(2) Every Inspector shall make a separate and distinct report in writing to the Minister of the state of every place of confinement visited by him. 3-4 Geo. V. c. 88, s. 8.

Report to Minister.

9. Where an Inspector deems it expedient to institute an inquiry into the management of any institution subject to his inspection or into any matter in connection therewith, or into the truth of any return made by any officer of the institution, and deems that any officer of the institution or any other person should give evidence before him on oath, the Inspector shall have the same power to summon such officer or other person to attend as a witness, to enforce his attendance and to compel him to produce documents and to give evidence as any court has in civil cases. 3-4 Geo. V. c. 88, s. 9.

Power of Inspector in instituting inquiries into institutions subject to his inspection.

10.—(1) The Lieutenant-Governor in Council may make regulations respecting the common gaols and relating to

Power of Lieutenant-Governor to make regulations.

- (a) the maintenance of prisoners in regard to diet, clothing, bedding, and other necessities;
- (b) their employment;
- (c) medical attendance;
- (d) religious instruction;
- (e) the conduct of the prisoners, and the restraint and punishment to which they may be subjected;
- (f) the treatment and custody of the prisoners generally, and the internal economy and management of the gaol; and
- (g) all such other matters connected with the maintenance, government and control of gaols as may be deemed expedient.

Special regulations by municipal councils.

(2) Nothing in this section shall prevent a municipal council from making such special regulations, not inconsistent with this Act or the regulations, as the peculiar circumstances of any gaol maintained by it, and the locality in which it is situate may in its opinion require. 3-4 Geo. V. c. 88, s. 10.

Inspection of public Hospitals for the insane and epileptics.

11. One of the Inspectors shall at least three times in every year visit and inspect every provincial hospital for the insane and the Hospital for Epileptics and

- (a) examine into the manner in which it is conducted;
- (b) examine the reports made to him by the medical superintendent and bursar;
- (c) inquire as to the observance of the regulations therein; and
- (d) ascertain if the clinical records of all patients are properly kept. 3-4 Geo. V. c. 88, s. 11.

Inspector's annual report.

12. The Inspector shall make an annual report to the Minister upon the manner in which any training school for nurses in any such hospital is conducted. 3-4 Geo. V. c. 88, s. 12.

Regulations respecting provincial hospitals.

13. The Lieutenant-Governor in Council may make regulations respecting provincial hospitals for the insane as to

- (a) the government and management thereof;
- (b) the duties of the officers, servants, and employees; and
- (c) the establishment, management and control of any school for nurses therein. 3-4 Geo. V. c. 88, s. 13.

14.—(1) An Inspector, at least once in every year and oftener if required by the Minister, shall visit, examine and report to him upon the state, management and condition of every hospital or other charitable institution supported, in whole or in part, by grant of public money, provincial or municipal, and of every private hospital, and make such suggestions as he may deem necessary or proper for the better government and management thereof.

Report of the management, etc.

(2) If the Inspector is refused admission into any such hospital or other institution he shall forthwith report such refusal to the Minister with the circumstances attending the same. 3-4 Geo. V. c. 88, s. 14.

In case admission refused.

15. An Inspector, at least once in every year and oftener if required by the Minister, shall visit, examine and report to him upon the state and management of every private sanitarium for the treatment of mental diseases, licensed under the provisions of *The Act respecting Sanitaria for Mental Diseases*, and upon the condition of its inmates; and the Minister after the receipt of such report may suspend or revoke any license granted under that Act. 3-4 Geo. V. c. 88, s. 15.

Report on private sanitarium.

Rev. Stat. c. 296.

Revocation of license.

16. If upon the inspection of a provincial hospital for the insane the Inspector finds that, according to the report of the Superintendent, any patient has sufficiently recovered to be cared for by his friends, or that his mental condition is due to senility, and his conduct is recorded as quiet and harmless, and that he is a proper subject for care in a house of refuge, the Inspector may order such patient to be removed to a house of refuge in the county from which he was originally admitted; and the board of management and superintendent of such house of refuge shall admit such patient to the house of refuge and maintain him therein. 3-4 Geo. V. c. 88, s. 16.

Removal to House of Refuge.

17.—(1) Every Inspector shall make to the Minister a written report of every inspection of any institution visited by him.

a Inspector's report.

(2) A copy of the report shall be transmitted by the Inspector to the superintendent or other head of the institution to which it relates. 3-4 Geo. V. c. 88, s. 17.

Copy for Superintendent, etc.

18. Every Inspector shall, as soon as may be after the 31st day of October in every year, make to the Minister a full and accurate report on every institution inspected by him during the preceding year, together with such suggestions for the improvement of the same as he may deem necessary or expedient; and such report shall include the following particulars:—

General Annual Report.

Suggestions for improvements.

Particulars.

Prison or re-
formatory.

(a) as to a prison or reformatory,—

- i. a copy of the warden's or superintendent's report to the Inspector;
- ii. copies of the chaplain's reports to the Inspector,
- iii. a copy of the surgeon's annual report;
- iv. a return of the names, ages, country, calling and offences of the prisoners received during the year, and the county or district from which each came;
- v. a return of the names, ages, callings and offences of the prisoners who died in the prison or reformatory during the year, and the county or district from which each came;
- vi. a similar return of the prisoners liberated during the year on parole or upon the expiration of the term for which they were sentenced;
- vii. a similar return of the prisoners who were pardoned during the year;
- viii. a tabular statement showing the number of prisoners at the date to which the last previous annual report was made up, the number received during the year, the number discharged, the number then in confinement and the average number during the year;
- ix. a balance sheet of the financial affairs of the institution on the 31st day of October of the year reported upon;
- x. a balance sheet for the past year, showing the sum on hand on the 31st day of October, the money received during the year from the Province towards the maintenance of the prison or reformatory, the amount received for prison labour, and also on all other accounts during the year, showing separately the sums paid for food, bedding, clothing and hospital stores for the prisoners, salaries of officers, fuel and light, the erection of new buildings and repairs, the support of the stable, and all other items of expenditure, and the cash on hand at the close of the year;
- xi. a statement of all debts due by the institution, showing the names of the persons to whom each sum is due, also showing the debts, if any, due to the institution with the amount and nature of each debt;

- xii. an inventory of all the property, estate and effects of the institution;
 - xiii. an estimate of the receipts and expenditures for the current year;
 - xiv. a statement showing in what manner the prisoners were employed on the 31st day of October of the year reported on, and the average number at each trade or occupation during the year;
 - xv. such other particulars as may be required by the Regulations or by the Minister;
 - xvi. a tabulated statement from each gaol showing the number of persons committed, the crimes and offences for which they were committed and such particulars in regard to gaol expenditures and other matters relating to the gaol as the Minister may require;
- (b) as to the provincial hospitals for the insane and the Insane and Epileptics.
 • Hospital for Epileptics;
- i. the superintendent's report to the Inspector;
 - ii. statistical tables indicating the number of patients under treatment, together with such other particulars as may furnish information regarding the care and treatment of patients, or as the Minister may require;
- (c) as to every public and private hospital, refuge, orphanage and infants' home, Public and private hospital, refuge, orphanage, infants' home.
- i. the last annual return for each institution made under *The Hospitals and Charitable Institutions Act*; Rev. Stat. c. 300.
 - ii. statistical tables indicating for comparison the expenditures under the different headings for maintenance, and indicating the daily per capita cost;
 - iii. tables showing the amount contributed towards the support of each institution by
 - (a) private benefactors,
 - (b) municipal corporations,
 - (c) the Government. 3-4 Geo. V. c. 88, s. 18.

19. The provisions of this Act as to the inspection of gaols Court houses.
 and the provisions of *The Gaols Act* as to their construction Rev. Stat. c. 293.
 and repair shall, so far as may be, apply to court houses.
 3-4 Geo. V. c. 88, s. 19.

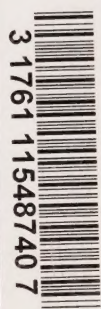
Assistance
to Inspec-
tors.

20. The Minister may authorize such person as he thinks fit to perform, under the supervision of an Inspector or otherwise as the Minister may direct, any of the duties of an Inspector; and in the performance of the duties such person may exercise the like powers and authorities as are possessed by the Inspector. 3-4 Geo. V. c. 88, s. 20.

Limitation
of actions.

21. All actions and prosecutions against any person for anything done in pursuance of this Act shall be commenced within six months after the fact committed and not afterwards. 3-4 Geo. V. c. 88, s. 21.

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